S. HRG. 117–318

UPHOLDING THE FEDERAL TRUST RESPONSIBILITY: FUNDING AND PROGRAM ACCESS FOR INNOVATION FOR NATIVE HAWAIIANS—PART 1 AND 2

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

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UPHOLDING THE FEDERAL TRUST RESPONSIBILITY: FUNDING AND PROGRAM ACCESS FOR INNOVATION FOR NATIVE HAWAIIANS—PART 1

WEDNESDAY, JUNE 1, 2022

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Honolulu, HI.

The Committee met, pursuant to notice, at 10:25 a.m. HST in the Keoni Auditorium of the East-West Center, Honolulu, Hawaii, Hon. Brian Schatz, Chairman of the Committee, presiding. *

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

The CHAIRMAN. Aloha. Good morning. Thank you so much for that beautiful program and welcome. Thank you to everybody for being here, thank you to my mother for being here. Thank you to the personnel of the Senate Indian Affairs Committee for making the long journey and for putting this together.

I want to thank the East-West Center for continuing to be the premier place for convening in the Asian Pacific Region and giving us this beautiful venue to conduct this important hearing. It is great to be here at home among friends to talk about how we can work together to meet the needs of the Native Hawaiian community.

Since I took over as chairman of the Senate Committee on Indian Affairs, we have worked to amplify Native Hawaiian voices and serve Native Hawaiian needs on the Committee, in the Senate and beyond. That is because too often Native Hawaiians are left out of the conversation about the Federal trust responsibility, because people don't understand the unique way that Native Hawaiians engage with the Federal Government, through trust and State agencies, instead of a single, centralized government like Indian tribes.

But this is no excuse. The Federal Government has a trust responsibility to Native Hawaiians, just like it does with American Indians and Alaska Natives. That trust responsibility must be met.

That is why we brought this conversation home for the first time in more than a decade to hear directly from you about how the Committee can seek equity for Native Hawaiians, to hear about

* Due to poor audio reception; there are several indiscernible text throughout this hearing.

your successes and your challenges and your recommendations for supporting and thriving the Native Hawaiian community.

Over the past two years, we have made a lot of progress. We delivered the biggest Federal investment in American history, more than $270 million in direct funding for Native Hawaiians, $270 million from the Federal Government in direct funding for Native Hawaiians. There are two ways to look at that. One is that that is extraordinary, and that is great. The other is, as able deputy 02:40[indiscernible] reminds me, it is also not enough. It is just the beginning of what we need to accomplish.

But we did accomplish increases across the border; housing, education, healthcare, food and agriculture, high-speed internet connectivity and culture and the arts. We also helped to secure important policy changes in the Violence Against Women Act to address domestic violence in the Native Hawaiian community, including setting up a review of Federal crime prevention, victim service, and criminal justice programs serving Native Hawaiians and ordering a Federal report on Native Hawaiians in the criminal justice system, and sending $1 million in new funding to the Native Hawaiian Resource Center on Domestic Violence.

This is just a start, because we know that we have so much more to do. So I look forward to your testimony and our discussion.

I want to extend a warm welcome to all of you, especially to say aloha to our witnesses. I will now introduce our first panel.

First, we have the Honorable Carmen "Hulu" Lindsey, Chair of the Board of Trustees of the Office of Hawaiian Affairs. Then we have Mr. William Aila, Chair of the Hawaiian Homes Commission; Mr. Kūhiō Lewis, President and Chief Executive officer of the Council for Native Hawaiian Advancement.

I will remind our witnesses that we have your full testimony as part of the official hearing record. We would like you to try to target something less than 10 minutes for your initial testimony, although it is just us. So if you feel like going 12, nobody's feelings will be hurt.

Chairman Lindsey, please proceed with your testimony.

STATEMENT OF HON. CARMEN "HULU" LINDSEY, CHAIR, BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS

Ms. LINDSEY. Thank you. Aloha Chairman Schatz and Vice Chair Murkowski, if she is watching today, and members of the U.S. Senate Committee on Indian Affairs.

Mahalo nui loa for inviting me to testify on behalf of the Office of Hawaiian Affairs and our beneficiaries, the Native Hawaiian community. We are pleased to welcome you to our island home to engage face to face with our Native Hawaiian community. While many of you may be joining us by videoconference, we hope that you will be able to feel the aloha spirit we bring and offer to you.

This field hearing allows us to convey and illustrate to you what it means to uphold the Federal trust responsibility through the exercise of self-determination, our rights to chart our own course and continue our distinct traditions, cultures, language and Native ways, and our rights to economic equity and prosperity, and the necessary support to raise the standard of living, health, and social wellbeing of our people in our Native homeland.

Chairman Schatz, OHA continues to recognize your work on behalf of our families in Hawaii. You have been a champion on stopping the trafficking of Hawaiian women and children, including Native perspectives in Federal climate action, and addressing disparities for Native Hawaiians in health, education, broadband access and food security. We are particularly grateful for your continuing efforts to ensure that Native Hawaiians are eligible for and gain access to Federal policy and funding, healthcare, housing, education, food, and social services, and supporting resource and innovation and equity centers.

We request the Committee's and Congress' support in honoring the Federal trust responsibility via policy, funding and programming implementation in the following ways. One, funding for a commissioned report of lands ceded to the stewardship of and management by the State government via the 1959 Admissions Act, including the Hawaiian home lands for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act of 1920.

Two, ensuring that Native Hawaiians are included in all Federal conference, coordination, engagement, and consultation policies and practices. Three, persisting in the accelerated defueling and closure of the Red Hill fuel storage tanks. Four, funding environmental assessment and cleanup of sacred lands polluted and contaminated by the United States Military. Five, ensuring funding and programming equity for all Native Americans, including American Indians, Alaska Natives, and Native Hawaiians.

Established by our State's constitution, OHA is a semi-autonomous agency of the State of Hawaii mandated to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs.

Hawaii State law recognizes OHA as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians. Furthermore, State law directs OHA to advocate on behalf of Native Hawaiians, to advise and inform Federal officials about Native Hawaiian programs, and to coordinate Federal activities relating to Native Hawaiians.

In 2020, OHA enacted a new 15-year strategic plan for 2020 through 2035 entitled Mana I Mauli Ola, Strength to Wellbeing. It builds upon three foundations that have the power to affect the wellbeing of Native Hawaiians: one, Ohana, which is family; two, Mo'omeheu, culture; and three, 'Aina, land and water. OHA is building off these foundations to bring OHA's vision statement to life: Ho'oulu Lahui Aloha, To Raise a Beloved Lahui. OHA believes that what is good for the conditions of Native Hawaiians is good for Hawaii as a whole.

As a State agency, OHA is able to be a conduit for effective programming and funding for the Committee and Congress. Over the past 40 years of existence, OHA employed multiple mechanisms such as direct service staffing via payroll, contracts, memorandums of understanding and agreements, direct appropriations, loans, and grants to and with NHOs and communities, to effect its work on behalf of our Native Hawaiian beneficiary community.

OHA stands ready to assist the Committee and Congress in accomplishing this important work, both now and in the future. I have OHA's Chief Executive officer, Dr. Sylvia Hussey, and our legal counsel, Sherry Broder, here to respond to any Committee questions and to provide follow-up information.

Thank you for this opportunity to testify.

[The prepared statement of Ms. Lindsey follows:]

PREPARED STATEMENT OF HON. CARMEN "HULU" LINDSEY, CHAIR, BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS

Aloha e Chairman Schatz, Vice Chairman Murkowski, and Members of the U.S. Senate Committee on Indian Affairs.

Mahalo nui loa (Thank you very much) for inviting me to testify on behalf of the Office of Hawaiian Affairs (OHA) and our beneficiaries—the Native Hawaiian community. We are pleased to welcome you to our island home, to engage face to face with our Native Hawaiian people, and while many of you may be joining us by videoconference, we hope that you will feel the aloha spirit we bring and offer to you. Your prioritization of this field hearing, and physical presence in our homeland, reassures the Native Hawaiian people of the Committee's and Congress' attention to the federal government's continuing trust responsibility to our people. This field hearing allows us to convey and illustrate to you, what it means to uphold the federal trust responsibility, through the exercise of self-determination—our rights to chart our own course and maintain our distinct traditions, cultures, language and Native ways, and our rights to economic equity and prosperity and the necessary support to raise the standard of living, health and social well-being of our people in our homeland.

Chairman Schatz, OHA continues to recognize your work on behalf of our families in Hawai'i. You have been a champion on stopping the trafficking of Hawaiian women and children, including Native perspectives in federal climate action, and addressing disparities for Native Hawaiians in health, education, broadband access, and food security. We are particularly grateful for your continuing efforts to ensure that Native Hawaiians are eligible for and gain access to federal Coronavirus Disease (COVID–19) relief. As Congress continues to implement policy, including unprecedented funding and programming responses, we appreciate your broad, yet integrated, funding of federal programs providing health care, housing, education, food, and social services to Native Hawaiians, including supporting research, resource and innovation and equity centers.

We request the Committee's and Congress' support in honoring the federal trust responsibility via policy, funding and programming implementation in the following ways: (1) funding for a commissioned report of lands ceded to the stewardship of and management by the state government via the 1959 Admissions Act,[1] including the Hawaiian home lands, for the benefit of native Hawaiians pursuant to the Hawaiian Homes Commission Act (1920); (2) ensuring that Native Hawaiians are included in all federal conference, coordination, engagement and consultation policies and practices; (3) persisting in the accelerated defueling and closure of the Red Hill fuel storage tanks; (4) funding environmental assessment and cleanup of sacred lands polluted and contaminated by the United States military; and (5) ensuring funding and programming equity for all Native Americans, including American Indians, Alaska Natives, and Native Hawaiians in broad yet integrated areas that impact our families (e.g., poverty, violence, human trafficking, foster care, prison reform, elder care); our natural environment and resources (e.g., climate change, land, water, seas, streams, oceans, lakes); and our culture (e.g., language, education, health, traditions, practice, repatriation).

Background on OHA and its Standing to Represent Native Hawaiians

Established by our state's Constitution,[2] OHA is a semi-autonomous agency of the State of Hawai'i mandated to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs. Hawai'i state law recognizes OHA as the principal public agency in the state responsible for the performance, de-

[1] The Admission Act, An Act to Provide for the Admission of the State of Hawaii into the Union, March 18, 1959, Pub L 86–3, 73 Stat 4.

[2] Haw. Const., art. XII, § 5 (1978).

velopment, and coordination of programs and activities relating to Native Hawaiians.[3] Furthermore, state law directs OHA to advocate on behalf of Native Hawaiians;[4] to advise and inform federal officials about Native Hawaiian programs; and to coordinate federal activities relating to Native Hawaiians.[5]

(1) Commission and Funding of a Ceded Lands Inventory Report

The terms of statehood considered the plight of the Hawaiian people, specifically in the Admission Act of 1959. Section 5(f) of the Act refers to the crown and government lands of the Hawaiian Kingdom, which had been designated "ceded" to the Republic of Hawai'i, and then to the United States. The Act conveyed these lands to the new State of Hawai'i with the caveat that revenues were to constitute a trust for five purposes. One of these was the betterment of the conditions of Native Hawaiians. By any measure, those conditions were sorely in need of improvement, but, by 1978, they had not changed for the better, as the state's trust obligation went ignored.

The ceded lands, consisting of crown lands, once property of the Hawaiian monarchy, and of the government lands of the Kingdom of Hawai'i, totaled 1.8 million acres upon annexation in 1898. Pursuant to the Joint Resolution of Annexation, all of these lands were considered transferred or "ceded" to the United States government "for the benefit of the inhabitants of the Hawaiian Islands." Underscoring the federal trust responsibility are the findings of the US Congress in the Apology Resolution[6] (emphasis added):

> "*Whereas,* the Republic of Hawaii also ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, *without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government*."
>
> "*Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands* to the United States, either through their monarchy or through a plebiscite or referendum"

Upon statehood in 1959, the federal government returned to the State of Hawai'i all ceded lands not set aside for its own use. Section 5(f) of the Admission Act, directed the state to hold the lands in trust, listed the following five purposes:

1. The support of public education;
2. The betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920;
3. The development of farm and home ownership;
4. The making of public improvements; and
5. The provision of lands for public use.

Thus, the Federal Government delegated a portion of its fiduciary duties to the indigenous peoples of Hawai'i, which courts have found must be "judged by the most exacting fiduciary standards," to the State of Hawai'i via the Admissions Act, Section 5(f) of the public trust lands. Yet 63 years after statehood, the State does not have a complete inventory of classified public trust lands. In addition, a complete inventory of ceded lands, including classifications by former Kingdom Government and Crown lands, and by holdings by the federal, state and county governments, is critical for the federal government to uphold its federal trust responsibility to Native Hawaiians. Accordingly, OHA requests the Committee consider the commission and funding of a ceded lands inventory report.

(2) Broad Inclusion in Federal Conference, Coordination, Engagement and Consultation Policies and Practices

Native Hawaiians are owed the same trust responsibility as any other Native American group. To meet this obligation, Congress-oftentimes through the bipartisan work of this Committee and its Members-create policies to promote education, health, housing, and a variety of other federal programs that support Native Hawaiian self-determination including economic equity and prosperity. Similar to American Indians and Alaska Natives, Native Hawaiians have never relinquished our right to self-determination despite the United States' involvement in the illegal overthrow of Queen Lili'uokalani in 1893 and the dismantling of our Hawaiian gov-

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[3] Haw. Rev. Stat. § 10–3(3).
[4] Haw. Rev. Stat. § 10–3(4).
[5] Haw. Rev. Stat. § 10–6(a)(4).
[6] Public Law 103–150 (1993).

ernment. In fact, over 150 Acts of Congress consistently and expressly acknowledged or recognized a special political and trust relationship to Native Hawaiians based on our status as the Indigenous, once-sovereign people of Hawai'i. Among these laws are the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) (1921), the Native Hawaiian Education Act (20 U.S.C. § 7511) (1988), the Native Hawaiian Health Care Improvement Act (42 U.S.C. § 11701) (1988), and the Hawaiian Homelands Homeownership Act codified in the Native American Housing Assistance and Self Determination Act (NAHASDA), Title VIII (25 U.S.C. § 4221) (2000).

While the federal trust responsibility has many facets, one of the most critical safeguards of effective self-determination is the ability to consult with the federal government. Under President Clinton's Executive Order 13175, and subsequent memoranda from the Bush, Obama, and now Biden Administrations, the U.S. Government recognizes the right to sovereignty and self-determination of this nation's Native people. While this is a step in the right direction, the omission of Native Hawaiians from federal conference, coordination, engagement and consultation requirements has stifled and limited Native Hawaiian voices from being able to comment upon and inform federal projects and programs for the past two decades. Despite our exclusion from these executive orders, Congress's thoughtful inclusion of Native Hawaiians in key legislation like the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001) and the National Historic Preservation Act (NHPA) (16 U.S.C. § 470 et seq.) have demonstrated that Native Hawaiians can be effectively included in consultation now, with representation through Native Hawaiian organizations. Indeed, OHA receives and reviews approximately 240 requests for federal consultations each year, including Section 106 NHPA and NAGPRA reviews. The federal government takes many more actions affecting the Native Hawaiian community than are covered by these two statutes without ever giving Native Hawaiians an opportunity to consult.

Ensuring Native Hawaiians are informed of all proposed federal actions and allowed to voice their comments and perspectives on them will help to correct this country's historic wrongs against Native Hawaiians. Moreover, this will also improve the quality of federal undertakings and projects. Federal consultation with entities that serve Native Hawaiians such as OHA, Department of Hawaiian Home Lands, Native Hawaiian Education Council, Papa Ola Lōkahi and the Native Hawaiian Health Care Systems, enable Native Hawaiians to access this basic tenet of self-determination—having a meaningful say in our own governance.

Most recently, OHA and the Native Hawaiian community, as a whole, experienced expanded conference, coordination, engagement and consultation opportunities, often in the form of listening sessions, with the U.S. Departments of the Interior (DOI), Treasury (DOT) and Commerce (DOC). Consultation with the National Oceanic and Atmospheric Administration (NOAA) organization, on the marine sanctuary expansion in Papahanaumokuakea Marine National Monument, illustrates a meaningful and productive shared governance and stewardship responsibilities among the four co-trustee organizations of the DOI, via U.S. Fish and Wildlife Services, the DOC via NOAA, the State of Hawaii, via its Department of Land and Natural Resources, and OHA. OHA has been consulted on matters related to the NAGPRA, and applied the tenants of this domestic policy to international repatriations.

OHA looks forward to more intentional and frequent consultation with the Department of Defense (DOD), and all of its branches and installations, as it relates to the significant presence of DOD operations and activities in addressing national security from the Pacific. Notably, the DOD consulted with Native Hawaiians on its consultation policy, Department of Defense Instruction No. 4710.03, dated October 25, 2011, incorporating changes, August 31, 2018 ("Instruction") and the Advisory Council on Historic Preservation guidelines, Consultation with Native Hawaiians in Section 106 Review Process, A Handbook. The DOD Instruction's policy and procedures provide for consultation with NHOs when proposing and undertaking that may affect a property or place of traditional religious and/or cultural importance or action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO, in addition to consultation in compliance with NEPA and NHPA. Under the Instruction, OHA may serve to facilitate effective consultation between NHO and DOD Components, with the understanding that no single NHO is likely to represent the interests of all NHO or the Native Hawaiian people.

(3) Persisting in Defueling and Closure of the Red Hill Fuel Storage Tanks

The health and safety concerns, as a result of leaks of the Red Hill Bulk Fuel Tanks (RHBFT), with a capacity of up to 250MM gallons of fuel, only 100 feet over O'ahu's major aquifer, supplying water to over 400,000 residents of O'ahu, is well

documented. OHA affirms its concerns, shared by our beneficiaries and communities, and thanks you, Chairman Schatz, for your swift actions to appropriate funding to defuel and close the tanks.

(4) Funding Environmental Assessments and Cleanups of Sacred Lands Polluted and Contaminated by the U.S. Military.

Aligned to your lead, and Hawai'i's collective Congressional Delegation's swift actions to defuel and close the RHBFT, funding environmental assessments and cleanups of sacred lands polluted and contaminated by the U.S. military, evidences the Federal Trust responsibility to Native Hawaiians, and the lands ceded and transferred ultimately to the new State of Hawaii, via the Admissions Act. The implications of lands in use by the U.S. military, in the state of Hawaii, includes approximately 46,500 acres, statewide across Army, Navy and Air Force bases and installations, with the largest being the Army's Pohakuloa Training Area on Hawai'i Island, of approximately 23,000 acres. [7]

In 2004, the U.S. Navy ended the Kaho'olawe UXO Clearance Project. At its completion approximately 75 percent of the island was surfaced cleared of unexploded ordnance. Of this area, 10 percent of the island or 2,647 acres were additionally cleared to the depth of four feet. Twenty-five percent (25 percent) or 6,692 acres was not cleared and unescorted access to these areas remains unsafe. [8] Almost 20 years later, core programs under the governance of the Kaho'olawe Island Reserve Commission and staff, are broad in its programming in ocean (e.g., sustainability, fish stock, population, habitat, marine debris, aerial, coastal and underwater surveys), restoration (e.g., native species planting, biosecurity, invasive alien species, rodent and weed control, faunal), and culture (e.g., integrated culture and restoration, archeological importance, cultural protocols, planting, iwi kupuna burials) focal areas. [9]

We ask the Committee focus and fund assessment and clean-up activities on sacred lands—Pohakuloa and Kaho'olawe, being two examples. With regard to Pohakuloa, we also request that the lease extension process with the State of Hawaii cease, until the conditions imposed by the Hawai'i Supreme Court in *Ching v. State*, 145 Hawai'i 148 (2019) and the Circuit Court's recommendations be met. It appears wholly inappropriate for DOD to engage in an environmental impact review under its April 2022 Draft Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area (PTA), the precursor to a lease extension, when the conditions of the lease regarding the duty to protect and preserve public trust land are in question. An essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property and OHA upholds its duty to investigate the risk of impending damage to the land on behalf of its beneficiaries who have sought to prevent irreparable harm before it occurs by DOD's misuse of the trust lands under lease.

(5) Broad Funding and Programming Equity for Native Hawaiian Families, Natural Environment and Resources and Culture

While consultation is critical to self-determination, so is the provision of the resources and governmental programs to provide for the health, housing, education, and economic well-being of Native Hawaiians. Hawaii's Congressional delegation have ensured that Congress continues to fund essential federal programs annually; however, three of these acts must now complete the final process to be reauthorized, strengthened, and expanded by the Congress.

Over the past several decades, the Native Hawaiian Health Care Improvement Act (NHHCIA), the Hawaiian Homelands Homeownership Act (HHHA), and the Native Hawaiian Education Act (NHEA) have enabled Native Hawaiians to receive culturally appropriate services relating to health, housing, and education. These Acts have delivered services to tens of thousands of Native Hawaiians through diverse programs including revitalizing the Native Hawaiian language, building and maintaining homes and infrastructure, and providing telehealth services during a global pandemic. Further, the Native Hawaiian Revolving Loan Fund (NHRLF)-administered by OHA-and the U.S. Treasury's Community Development Financial Institutions fund (CDFI Fund's) Native American CDFI Assistance Program have supported the emergence and growth of thousands of Native Hawaiian businesses. We urge this committee to reauthorize, strengthen, and expand all these programs to further support Native Hawaiian self-determination.

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[7] US Indo-Pacific Command, Hawai'i Military Land Use Master Plan, 2021 Interim Update, Final—April 2021

[8] *https://www.kahoolawe.hawaii.gov/history.shtml*, retrieved May 28, 2022

[9] *https://www.kahoolawe.hawaii.gov/coreprograms.shtml#ocean*, retrieved May 28, 2022

Native Hawaiian Health

Native Hawaiian self-determination in health care means that Native Hawaiians have the power to pursue well-being in the ways that they find to be appropriate. This self-determination may include identifying the health care services most needed in their communities or working to integrate traditional practices and cultural norms in health care spaces. Conversely, Native Hawaiian self-determination in health may include identifying aspects of the health care system, particularly around delivery, that may not fit well with Native Hawaiian concepts of wellness and thus have limited utility. Similar to our Native relatives on the continent, Native Hawaiians face disproportionate threats to our physical and mental health, including poverty,[10] suicide and depression,[11] infant mortality,[12] alcohol abuse,[13] homelessness,[14] and prejudice. Native Hawaiian infants are twice as likely to die (infant mortality rate of 7.9 per 1,000 live births) than their White peers (infant mortality rate of 3.5 per 1,000 live births) in the State of Hawai'i.[15] Native Hawaiians are also more likely to suffer from coronary heart disease, diabetes, and asthma than non-Native Hawaiians in the State.[16] Nearly 16,000 Native Hawaiians suffer from diabetes and more than 36,000 suffer from asthma.[17]

To address the major health disparities, Congress enacted the Native Hawaiian Health Care Act in 1988, which was later retitled as the Native Hawaiian Health Care Improvement Act (NHHCIA) for sums as may be necessary for fiscal years 1993 through 2019 (Pub. L. 111–148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935). Today, the Native Hawaiian Health Care Improvement Act is under continuing resolution. OHA recommends that the NHHCIA be permanently reauthorized like the Indian Health Care Improvement Act was in 2009, and all Congressionally authorized appropriations remain available until expended. The NHHCIA established the Native Hawaiian Health Care program, which funds the Native Hawaiian Health Care Systems (NHHCSs) administered by POL. Together the five Systems on the islands of Kaua'i, O'ahu, Maui, Moloka'i, and Hawai'i provide primary health care, behavioral health, and dental services. They also offer health education to manage disease, health related transportation, and other services. NHHCIA also established the Native Hawaiian Health Scholarship Program (NHHSP) for Native Hawaiians pursuing careers in designated health care professions. It supports culturally appropriate training and the placement of scholars in underserved Native Hawaiian communities following the completion of their education. More than 300 scholarships have been awarded through this program and most program alumni work in Hawai'i.

According to POL, the pandemic has highlighted the urgent need for several amendments to the NHHCIA. OHA and POL have advocated for increasing funding to the NHHCIA to expand Native Hawaiian health resources; removing the matching requirements applied to the NHHCSs for parity with other Native health care providers; making the NHHCSs eligible for 100 percent of the Federal Medical Assistance Percentage (FMAP) as well as the Prospective Payment System (PPS) reimbursement rate; expanding Federal Tort Claims Act coverage to POL, the Systems, and their employees in parity with other Native health care providers; allowing federal program funding to be used to collect and analyze health and program data which currently falls under the ten percent administrative cost cap for the program; allowing the Systems to be a specific eligibility group for supplemental federal funding streams; and providing a tax exemption for the NHHSP. Additionally, POL has established partnerships with other organizations to meet its Congressional mandate to coordinate and support Native Hawaiian health resources and services, offering capacity building, technical assistance, and workshops to promote holistic health and well-being through a Native Hawaiian lens. Through POL's coordination

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[10] Anita Hofschneider, *Poverty Persists Among Hawaiians Despite Low Unemployment*, HONOLULU CIVIL BEAT (Sept. 19, 2018), *https://www.civilbeat.org/2018/09/poverty-persists-among-hawaiians-despite-low-unemployment/*.

[11] NATIVE HAWAIIAN MENTAL HEALTH AND SUICIDE, OFFICE OF HAWAIIAN AFFAIRS (Feb. 2018), *http://www.ohadatabook.com/HTH_Suicide.pdf.*

[12] Ashley H. Hirai et al., *Excess Infant Mortality Among Native Hawaiians: Identifying Determinants for Preventive Action*, AM. J. OF PUB. HEALTH (Nov. 2013), *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3828695/pdf/AJPH.2013.301294.pdf.*

[13] NATIVE HAWAIIAN HEALTH STATUS, OFFICE OF HAWAIIAN AFFAIRS 22 (July 2019), *http://www.ohadatabook.com/NHHS.html.*

[14] ISSUE BRIEF: COVID–19 AND NATIVE HAWAIIAN COMMUNITIES, NATIVE HAWAIIANS OVER–REPRESENTED IN COVID–19 AT–RISK POPULATIONS, OFFICE OF HAWAIIAN AFFAIRS 2 (2020).

[15] Hirai, *supra note* 7.

[16] OFFICE OF HAWAIIAN AFFAIRS, *supra note* 9 at 2.

[17] *Id.* at 1–2.

and partnerships, Native Hawaiian wellbeing across the lifespan and throughout various domains can be improved. We urge the Committee to support increased funding for, reauthorization of, and technical amendments to the NHHCIA, so that POL and the Systems may be able to achieve Congressional mandates and uplift Native Hawaiian health through as many means as possible.

Native Hawaiian Housing

The HHHA facilitates Native Hawaiian self-determination by supporting part of DHHL's mission—to develop and deliver land and housing to Native Hawaiians. Congress enacted the HHHA in 2000. The HHHA established the Native Hawaiian Housing Block Grant (NHHBG) program and the Section 184A Loan Guarantees for Native Hawaiian Housing. The NHHBG provides much needed funding to DHHL to deliver new construction, rehabilitation, infrastructure, and various support services to beneficiaries living on DHHL lands. The 184A Loan Guarantee program provides eligible beneficiaries with access to construction capital on DHHL lands by fully guaranteeing principal and interest due on loans. The program currently serves owner-occupant single family dwellings on the DHHL lands. Together, these programs help DHHL to carry out the vision of our Prince Jonah Kuhio Kalaniana'ole, who as the then-Territory of Hawai'i's Congressional Delegate 100 years ago, spearheaded one of the first Acts of Congress implementing the trust responsibility to Native Hawaiians.

Like other Native communities, housing has become even more vital during this pandemic. Prior to the pandemic, Native Hawaiians faced one of the most expensive housing markets in the country. In fact, Native Hawaiians made up nearly half of the homeless population on the island of O'ahu,[18] whose population accounts for approximately two thirds of all State residents. To address housing needs, DHHL has used NHHBG funds for emergency rental assistance for eligible Native Hawaiians; rental subsidies for lower income elderly; rehabilitation of homes primarily for elderly or disabled residents; homeownership opportunities for lower income working families; and homeownership and rental counseling to address barriers experienced by Native Hawaiians.

The OHA celebrates with the beneficiaries of the Hawaiian Homes Commission Act (HHCA), the impacts of the historic State of Hawaii 's legislature's HB2511 which appropriates $600 million to build out infrastructure to create homestead communities and provide mortgage and rental assistance, dig into shovel-ready projects, lot options, all focused on returning native Hawaiians to the land.[19] We stand ready to collaborate with HHCA beneficiaries and Department of Hawaiian Homelands leadership to fulfill the intents of such historic state legislation.

Native Hawaiian Well-Being—Economic

Economic well-being and opportunity are central to the ability of any community to exercise self-determination. Unfortunately, the pandemic devastated Hawai'i's job market. Unemployment in the State skyrocketed, and recovery efforts muted by slow federal funding and programming implementation. The U.S. Bureau of Labor Statistics reported that as of December 2020, Hawai'i had the highest unemployment rate in the United States at 9.3 percent;[20] however, with loosening COVID–19 restrictions (e.g., stay-at-home orders, business re-opening, social distancing, masking) and vaccination policies, the unemployment rate in Hawaii dropped to 4.2[21] percent in April of 2022. In the current report, the state's Department of Business and Economic Development & Tourism ("DBEDT") predicts that Hawai'i's economic growth rate, as measured by real domestic product will increase 3.2 percent in 2022 over the previous year. The economic expansion path will continue with a 2.5 percent increase in 2–23, 2.3 percent in 2024, and 2.0 percent in 2025.[22] Hawai'i's recovery has resumed now that the Delta and Omicron waves passed and once the Asian COVID–19 wave also passes, the long-awaited return of international visitors will begin later this spring. Hawai'i's delayed recovery from the pandemic means that we expect moderately strong growth, despite clearly deterio-

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[18] OFFICE OF HAWAIIAN AFFAIRS, *supra note* 9 at 2.

[19] *http://hawaii.gov/2022/05/05/chair-aila-statement-on-passage-of-hb-2511/dhhl*, retrieved May 28, 2022.

[20] Unemployment Rates for States, U.S. BUREAU OF LABOR STATISTICS (Jan. 26, 2021), *https://www.bls.gov/web/laus/laumstrk.htm.*

[21] U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/eag/eag.hi.htm,* retrieved May 22, 2022

[22] *https://dbedt.hawaii.gov/blog/22–07/#::text=Forecasting%20Results,and%202.0%20percent%20in%202025*, retrieved May 22, 2022

rating conditions in the U.S. and global economies. The worsening global economic environment poses substantial downside risks to Hawaii's forecast.[23]

Fortunately, several economic development and access to capital programs are already in place to serve Native Hawaiian communities. Department of Treasury (DOTr), Native American Community Development Financial Institutions (CDFI) and Minority Depository Institutions (MDI) and the Native Hawaiian Revolving Loan Fund (NHRLF), are widely recognized as being effective. Continued support for these and similar programs are critical to minimizing the negative economic impacts of this pandemic and the recovery in culturally appropriate ways.

We further acknowledge and appreciate Executive Orders 14031[24] and 13985[25] and the DOT's implementation efforts to promote equitable outcomes. OHA also recognizes DOT's Emergency Rental Assistance, Homeowner Assistance Fund, Capital Projects Fund and Small

Business Credit Initiative, Emergency Capital Investment Program, Rapid Response Program, and Native American CDFI Assistance Program. In addition, NHOs are eligible to receive additional funds as sub-recipients to the state and/or counties, and we recommend the Committee consider OHA's state agency status as an accountable mechanism for federal funds to quickly flow to Native Hawaiian communities.

For example, in its nearly three decades in operation under OHA's administration, NHRLF closed approximately 2,700 loans valued at more than $63 million of lending to Native Hawaiian businesses and individuals. In its 2021 Report to Congress, NHRLF reported that borrowers: improved their overall economic wellbeing during the loan period; experienced improved preconditions to financial stability, after receiving a NHRLF loan; and increased their income due to education and business loans. The value of NHRLF borrowers' financial and non-financial assets increased over time, with smaller gains resulting from home improvement loans. As a result of increased asset value, the average net worth of OHA borrowers grew over the loan period; and Native Hawaiian-owned businesses with NHRLF loans, improved their financial performance from before the loan was received to 2019. Like many other businesses, the devasting impact of the COVID–19 pandemic on Hawai'i's economy derailed the positive outcomes NHRLF borrowers experienced over the loan period in the areas of economic wellbeing, preconditions to financial stability, and income. Accordingly, OHA asks the Committee to support programmatic fixes to NHRLF, including ending the demonstration status of the program, removing restrictions on outdated unallowable loan activities, and reducing the Native Hawaiian ownership percentage requirement from 100 to 50—all to create a broader pipeline of programming and funding for Native Hawaiian economic development.

OHA specifically acknowledges and thanks you, Chairman Schatz, for your FY22 $100MM in Native Hawaiian and Native Hawaiian-serving appropriations and congressionally directed funding for broad programming in multiple sectors (e.g., education, food and agriculture-based research, indigenous innovation and equity, culture and arts and resource center for domestic violence).

Native Hawaiian Education

The successes of the Native Hawaiian education movement are understood throughout the community. According to conversations with NHEC, in 2017 and 2018 alone, the 38 NHEP grantees served 95,458 individuals, including 74,311 students, 18,429 parents, and 2,718 teachers. They surpassed their target number for participants by approximately 65 percent. Additionally, all 38 grantees targeted serving Native Hawaiian communities and formed almost 700 strategic partnerships with schools, government agencies, or cultural organizations to expand the number served and to increase the overall impact of their programs.

Despite the great work of NHEP grantees in recent years and the Committee's efforts to secure $85,000,000 of American Rescue Plan Act (ARPA) funding for Native Hawaiian education, the program implementation of grant funds fell short in equitable allocation for relief to our community programs. According to the Education Council's profile analysis study of NHEP grantees from 2010 through 2018, over 47 percent of awardees funded were Native Hawaiian community-based organizations. The 2021 ARPA funds for NHEP shows a reduction in awards to Native Hawaiian community-based organizations down to 40 percent and an increase of

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[23] *https://uhero.hawaii.edu/uhero-forecast-for-the-state-of-hawaii-foreign-visitors-will-provide-lift-but-risks-have-multiplied/*, retrieved May 22, 2022

[24] Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians and Pacific Islanders

[25] Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

awards to State programs from 25.2 percent to 37.1 percent.[26] Programs for early childhood education in Hawaiian language instruction had to compete for relief funds with programs for post-secondary education. Education is a living system. We know that each part of the system from early childhood education to post-secondary education is important to our communities.

The effects of the pandemic still threaten the survival of some grantees and widen existing disparities between Native Hawaiian students and their non-Hawaiian counterparts. Even before the pandemic, data collected in 2015 demonstrated that fewer Native Hawaiian students attained proficiency in math and reading than their non-Hawaiian counterparts.[27] Compounding matters during the pandemic, Hawai'i is considered the state "most prone to academic risks during the coronavirus outbreak" and faces the "widest gap in the amount of teacher interaction with lesser-educated households compared with more-educated ones."[28]

Non-profit education programs, particularly language immersion programs, have faced unique hardships amid the pandemic. With the arrival of new COVID–19 strains in Hawai'i, Native Hawaiian students face a precarious situation. To further aggravate this risk, nearly ten percent of Native Hawaiian households do not have a computer in their homes, while nearly 20 percent do not have Internet access.[29] During the pandemic, many families have been unable to afford the cost of new equipment and broadband service because formerly working adult parents are now unemployed. We thank you, Chairman Schatz, for the recognition of need and funding to strengthen high-speed Internet access in Native Hawaiian communities and across Hawai'i, including infrastructure funding.

OHA again appreciates Chairman Schatz's leadership in finding ways to assist Native Hawaiian educators through these difficult times. Unfortunately, despite these efforts, our programs and keiki (children) are still at risk. We urge the Committee to ensure that Native Hawaiian programs and service providers be included in all future federal relief efforts, that the Native Hawaiian Education Act be reauthorized, and that program implementation is in alignment with accountable and equitable consultation with stakeholders, including the Native Hawaiian Education Council.

OHA's Ability to Implement Federal Policy for Native Hawaiians and Hawai'i

In 2020, OHA enacted a new 15-year strategic plan for 2020 through 2035 entitled *Mana I Mauli Ola* (Strength to Wellbeing). Our strategic plan is built upon three foundations that have the power to affect the wellbeing of Native Hawaiians: (1) 'Ohana (family), (2) Mo'omeheu (culture), and (3) 'Aina (land and water). OHA is building off these foundations to bring OHA's vision statement to life: Ho'oulu Lahui Aloha (To Raise a Beloved Lahui). To raise a Lahui Aloha, Native Hawaiians need to operate under principles of self-determination, and its related accountabilities, in each of our strategic directions of educational pathways, health outcomes, quality housing and economic stability. OHA believes that what is good for the conditions of Native Hawaiians is good for Hawai'i as a whole—our beloved island home and state.

As a State Agency, OHA is able to be a conduit for effective programming and funding for the Committee and Congress. Over the past 40 years of existence, OHA employed multiple mechanisms such as direct service staffing via payroll, contracts, memorandums of understanding and agreements, direct appropriations, loans, and grants to and with NHOs and communities, to effect its work on behalf of our Native Hawaiian beneficiary community. Financially, for the past 18 years, including four years of the NHRLF, independently conducted financial and single audits, have been issued with "clean" or "unqualified" opinions. OHA is currently administering an emergency grant awarded by the Administration for Children and Families, Administration for Native Americans (ANA), funded by the American Rescue Plan Act re: Native American language preservation and maintenance. OHA chose, with ANA's approval, to sub-grant and award to NHO's, enabling organizations to focus

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[26] Toms Barker, L., Sanchez, R., & McLelland, C. (2021, March). NATIVE HAWAIIAN EDUCATION COUNCIL EVALUATION OF THE NATIVE HAWAIIAN EDUCATION PROGRAM: Portfolio Analysis of the 2010–2018 Grants. IMPAQ International, Inc. *http://www.nhec.org/wp-content/uploads/2021/05/NHEP-Portfolio-Analysis-AY2010-2018-Submitted-3-18-2021.pdf*

[27] A NATIVE HAWAIIAN FOCUS ON THE HAWAI'I PUBLIC SCHOOL SYSTEM, SY2015, OFFICE OF HAWAIIAN AFFAIRS 9 (2017).

[28] Alex Harwin & Yukiko Furuya, *Coronavirus Learning Loss Risk Index Reveal Big Equity Problems*, EDUCATIONWEEK (Sept. 1, 2020), *https://www.edweek.org/policy-politics/coronavirus-learning-loss-risk-index-reveals-big-equity-problems/2020/09.*

[29] OFFICE OF HAWAIIAN AFFAIRS, *supra note* 9 at 3.

on the programming implementation and delivery, with OHA focusing on grant administration activities.

Conclusion

Through more than 150 Acts, Congress established its trust responsibility to Native Hawaiians based on our status as the Indigenous, once-sovereign people of Hawai'i. As a result of those Acts, this Committee's presence in our island home at this time, provides us with the certainty that the federal government fully understands its trust responsibility to all Native Americans, including Native Hawaiians. As Chairman Schatz previously stated, the trust responsibility "should be the guiding light" of this Committee's work. While the federal trust responsibility may be implemented differently with Native Hawaiians in Hawai'i, because of our unique history with the United States, that trust responsibility, should be exercised in a manner that ensures the survival and welfare of our people, and is equitable with respect to other Native Peoples.

As a Native Hawaiian leader elected to ensure the well-being of the Native Hawaiian community, I urge this Committee and the Congress to continue expanded opportunities to all Native peoples, including Native Hawaiians. OHA asks you to continue to empower all Native Americans, including Native Hawaiians, with the same opportunity and accountability, to choose our own path—understanding that each tribe, band, nation, pueblo, village, or community is best served through their unique, self-determined means. This necessarily includes extending access to federal programs implementing the trust responsibility to Native Hawaiians where appropriate, and consistent with Native Hawaiians' unique history and evolving political relationship with the United States.

OHA continues to celebrate our involvement with the Alaska Federation of Natives, the National Congress of American Indians, and the National Indian Education Association, and we pledge to support and work with our Native cousins across the continent and in Alaska because all of us—American Indians, Alaska Natives, and Native Hawaiians—are strongest when we stand and work together.

OHA stands ready to assist the Committee and Congress in accomplishing this most important work, both now and in the future.

A hui hou. Until we meet again.

ADDITIONAL TESTIMONY AND QUESTION RESPONSE

Aloha e Senator Schatz,

Mahalo hou (thank you again) for the U.S. Senate Committee on Indian Affairs' ("SCIA" or "Committee") field hearing, on June 1, 2022, focused on "Upholding the Federal Trust Responsibility: Funding & Program Access for Innovation in the Native Hawaiian Community". In my capacity as Chairperson of the Office of Hawaiian Affairs (OHA) Board of Trustees, I provided written and oral testimony at the Field Hearing upon your cordial invitation. In this correspondence for the record, to be additive to OHA's submitted written testimony, I provide additional information, and respond to Senator's question regarding access to federal resources by Native Hawaiians.

In our written testimony, we requested the Committee's and Congress' support in honoring the federal trust responsibility via policy, funding and programming implementation in the following ways: (1) funding for a commissioned report of lands ceded to the stewardship of and management by the state government via the 1959 Admissions Act,[1] including the Hawaiian home lands, for the benefit of native Hawaiians pursuant to the Hawaiian Homes Commission Act (1920); (2) ensuring that Native Hawaiians are included in all federal conference, coordination, engagement and consultation policies and practices; (3) persisting in the accelerated defueling and closure of the Red Hill fuel storage tanks; (4) funding environmental assessment and cleanup of sacred lands polluted and contaminated by the United States military; and (5) ensuring funding and programming equity for all Native Americans, including American Indians, Alaska Natives, and Native Hawaiians in broad yet integrated areas that impact our families (e.g., poverty, violence, human trafficking, foster care, prison reform, elder care); our natural environment and resources (e.g., climate change, land, water, seas, streams, oceans, lakes); and our culture (e.g., language, education, health, traditions, practice, repatriation).

[1] The Admission Act, An Act to Provide for the Admission of the State of Hawaii into the Union, March 18, 1959, Pub L 86–3, 73 Stat 4.

Background on OHA and its Trustees' Fiduciary Responsibilities

In 1978, the Hawaii Constitutional Convention created the Office of Hawaiian Affairs,

and Article XII of the Hawai'i State Constitution states in part:

> **OFFICE OF HAWAIIAN AFFAIRS; ESTABLISHMENT OF BOARD OF TRUSTEES** Section 5. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following Islands have one representative: Oahu, Kauai, Maui, Molokai and Hawai'i. The board shall select a chairperson from its members. [2]
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> **POWERS OF BOARD OF TRUSTEES** Section 6. The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law: to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, federal or private sources and transferred to the board for native Hawaiians and Hawaiians. [3]

OHA's Standing to Represent Native Hawaiians

As established by our state's Constitution, [4] OHA as a semi-autonomous agency of the State of Hawai'i, guided by a board of nine publicly elected trustees, all of whom are Native Hawaiian, fulfills its mandate of bettering the conditions of Native Hawaiians, through advocacy, research, community engagement, land management, and the funding of community programs. Hawai'i state law recognizes OHA as the principal public agency in the state responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians. [5] Furthermore, state law directs OHA to advocate on behalf of Native Hawaiians; [6] to advise and inform federal officials about Native Hawaiian programs; and to coordinate federal activities relating to Native Hawaiians. [7]

Creation of and Funding for Hawai'i's First Ceded Lands Inventory and Repository

The United States and its subdivisions, regulatory and advisory bodies, should have documented in 1959, what lands and trust assets were being transferred to the newly created State of Hawai'i, who likewise, should have had a proper accounting of what exactly was received from the United States. The courts have ruled that the federal government's fiduciary duty to Hawai'i's Indigenous Peoples must be "judged by the most exacting fiduciary standards," is codified via the 1959 Admissions Act, Section 5(f) of the public trust lands.

Protections for Indigenous Peoples Human Rights globally was established in 2007 when the United Nations adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP). Former President Obama made it federal law in the United State when he officially endorsed and announced support in 2010. Since that time, several Executive Orders and Memos have been issued by President Biden, directing all federal agencies and offices to implement protections for and consultation with Indigenous Peoples, including Native Hawaiians to insure Human Rights and Equity for all.

The first fiduciary obligation of a Trustee is to inventory and account for the trust assets. This should have been undertaken by both the newly created state, and federal governments in 1959, but never was, and in 2022, 63 years after statehood, the State of Hawaii still does not have a comprehensive and accurate inventory of the State ceded land trust.

OHA begins this critical trust assets definition and accounting work now.

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[2] Constitutional Convention 1978, election November 7, 1978
[3] Ibid
[4] Haw. Const., art. XII, § 5 (1978).
[5] Haw. Rev. Stat. § 10–3(3).
[6] Haw. Rev. Stat. § 10–3(4).
[7] Haw. Rev. Stat. § 10–6(a)(4).

A comprehensive and accurate inventory of the State ceded land trust, including the submerged lands, is critical for the federal government to uphold its federal trust responsibility to Native Hawaiians and would include: an inventory of the natural resources, including fisheries and minerals; classifications by former Kingdom Crown and Government lands; holdings by the federal, state and county governments; and proceeds and resources of these Native/public trust lands. This is the accounting OHA needs to ensure all trust assets and lands of the Hawaiian peoples are protected and maintained for their use, and that Federal and State agencies are maintaining their fiduciary duty to protect the body corpus of our Ceded Lands Trust, including the former Kingdom Crown and Government lands. It is important to note that this long overdue inventory will not only benefit Hawaiians, but the public as well.

OHA, as the primary state agency with oversight of the Native Hawaiian beneficiaries ceded lands trust assets is committed to undertaking and completing this endeavor with the Committee and Congress' support in the following ways:

1. Contact federal agencies identified below, and their associated, attached and governed regulatory and advisory bodies, as a start, to request their direct involvement and collaboration with OHA, in gathering and sharing all data, including land and oceanic maps and records, property designations, deeds and leases and data relating to their historical and current uses by federal, state or county government (i.e. land and submerged land records), for the post Statehood period (1959 to present):

- The U.S. Department of the Interior, through the Office of Secretary Haaland;
- The U.S. Department of Commerce, including the National Oceanic and Atmospheric Administration ("NOAA") and Western Pacific Fishery Council ("Westpac"), as an advisory body relating to fisheries;
- The U.S. Department of Defense, all branches;
- The U.S. Department of Education;
- The Library of Congress; and
- The Office the United States Historian.

2. Identify and contact additional federal agencies, and their associated, attached and governed regulatory and advisory bodies, and other information sources (e.g., academic, museum, archives) in furthering this effort; and

3. A congressional appropriation to create the first, State of Hawai'i Ceded Lands Records Repository; this will ensure that critical records relating to the Ceded Lands Trust will be maintained and preserved for future use by federal, state and county governments, OHA, and its indigenous beneficiaries.

OHA remains committed to partnering with the Committee and Congress in this endeavor in fulfillment of federal Trust, state custodian and OHA Trustee fiduciary responsibilities.

Access to Federal Resources for Native Hawaiians, Intentional, Consistent Federal Conference, Coordination, Engagement and Consultation Policy & Practice

With the historic and unprecedented Congressional financial and programmatic response to COVID–19 related impacts (e.g., CARES, ARPA, Infrastructure), navigating access to such resources towards effective federal policy implementation, is an imperative for Native Hawaiians. Chairman Schatz, your role in providing for and inclusion of Native Hawaiians in such federal legislation, needs to be matched with "on the ground" abilities for constituents and communities to better navigate federal departments, programs, and funding mechanisms to effectively implement federal policy. OHA, as a state agency, stands ready to assist with such implementation, for the benefit of Native Hawaiian beneficiaries, communities and organizations, as a convenor, navigator and facilitator in collaboration with the Committee and Congress.

OHA restates its observations recently, of expanded conference, coordination, engagement and consultation opportunities, in the form of listening sessions, with the U.S. Departments of the Interior (DOI), Treasury (DOT) and Commerce (DOC). Consultation with the National Oceanic and Atmospheric Administration (NOAA) organization, on the marine sanctuary expansion in Papahanaumokuakea Marine National Monument, illustrates a meaningful and productive shared governance and stewardship responsibilities among the four co-trustee organizations of the DOI, via U.S. Fish and Wildlife Services, the DOC via NOAA, the State of Hawaii, via its Department of Land and Natural Resources, and OHA.

OHA has been consulted on matters related to the Native American Graves Protection and Repatriation Act (NAGPRA) applied the tenants of this domestic policy to international repatriations, and continue to dedicate resources (e.g., staff, repatriation, grants) for communities to protect and preserve ancestors and ancestral artifacts. More effective State of Hawaii responses, particularly the Department of Land and Natural Resources is needed. Congress's thoughtful inclusion of Native Hawaiians in key legislation like NAGPRA (25 U.S.C. § 3001) and the National Historic Preservation Act (NHPA) (16 U.S.C. § 470 et seq.) have demonstrated that Native Hawaiians can be effectively included in consultation now, with representation through Native Hawaiian organizations. Indeed, OHA receives and reviews approximately 240 requests for federal consultations each year, including Section 106 NHPA and NAGPRA reviews.

OHA reiterates that we look forward to more intentional and frequent consultation with the Department of Defense (DOD), and all of its branches and installations, as it relates to the significant presence of DOD operations and activities in addressing national security from the Pacific. Notably, the DOD consulted with Native Hawaiians on its consultation policy, Department of Defense Instruction No. 4710.03, dated October 25, 2011, incorporating changes, August 31, 2018 ("Instruction") and the Advisory Council on Historic Preservation guidelines, Consultation with Native Hawaiians in Section 106 Review Process, A Handbook. The DOD Instruction's policy and procedures provide for consultation with NHOs when proposing and undertaking that may affect a property or place of traditional religious and/or cultural importance or action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO, in addition to consultation in compliance with NEPA and NHPA. Under the Instruction, OHA may serve to facilitate effective consultation between NHO and DOD Components, with the understanding that no single NHO is likely to represent the interests of all NHO or the Native Hawaiian peoples.

Ensuring Native Hawaiians are informed of all proposed federal actions and allowed to voice their comments and perspectives on them enables Native Hawaiians to access and implement this basic tenet of self-determination—having a meaningful say in our own governance.

Conclusion

As a semi-autonomous state agency, OHA stands ready to assist the Committee and Congress in accomplishing this most important work, both now and in the future.

Mahalo hou (thank you again)

The CHAIRMAN. Thank you very much, Chair Lindsey.

Chair Aila, please proceed with your testimony.

STATEMENT OF WILLIAM J. AILA, JR., CHAIRMAN, HAWAIIAN HOMES COMMISSION

Mr. AILA. Thank you, Chair Schatz.

Aloha, Chair Schatz, Vice Chair Murkowski, who is not here, I understand, but her staff is here. Please send our aloha to her. Aloha, members of the U.S. Senate Committee on Indian Affairs.Thank you for inviting me to testify on behalf of the Hawaiian Homelands, which is governed by the Hawaiian Homes Commission Act of 1920, which was enacted by the Congress to protect and improve the lives of Native Hawaiians.Spearheaded by Prince Jonah Kūhiō Kalaniana'ole, the Hawaiian Homes Commission Act sets aside public lands, called Hawaiian Home Lands, to establish a rehabilitative program for Native Hawaiians. As required by the Admission Act of 1959, and as a compact with the United States, the State and the people of Hawaii adopted the Hawaiian Homes Commission Act as a provision of the State constitution and agreed to faithfully carry out the spirit of the Hawaiian Homes Commission Act. It is important [indiscernible] that we are far away from statehood that we remind [indiscernible] State agencies that [indis-

cernible] it is very important in terms of the future development for housing.

DHHL conducted a study amongst all of its beneficiaries, current lessees and waitlist applicants for homestead awards in 2020. The purpose of the study was to assess the current condition and needs of DHHL beneficiaries and was designed to be consistent and similar to previous studies conducted in 1995, 2003, 2008, and 2014. These studies provide the most recent beneficiary data.

In addition, the U.S. Department of Housing and Urban Development commissioned the Assessment of Native Hawaiian Housing Needs. Some of the key findings of the HUD study include: Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian's household was 4.1 people compared with 2.7 people for residents of other Hawaii households.

Although improvements were made during the 2000 to 2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged. They have lower incomes, higher rates of assistance receipt, and higher poverty rates. Native Hawaiian households also experience higher rates of overcrowding, 15 percent, compared with residents of Hawaii. I have three generations living in my household, [indiscernible]. There are numerous other families that are [indiscernible].

In addition, Hawaiian Homes Commission Act households on the waiting list face more significant housing challenges across all dimensions than do all other groups. Nearly 40 percent of beneficiary households on the waiting list were overcrowded compared with only 19 percent of households on sampled Hawaiian home lands, while 10 percent of beneficiary households on the waiting list lack complete plumbing compared with 1 percent for all the other groups.

The conclusions of the study guide DHHL's programs that are ultimately aimed at upholding the Federal trust responsibility to beneficiaries. The continued support of this Committee will help us to address this.

The first conclusion in the HUD study identifies the importance of Title VIII of the Native American Housing Assistance and Self-Determination Act to support the critical housing needs of Native Hawaiian families who are eligible to reside on the Hawaiian Home lands. DHHL is grateful to Chairman Schatz for securing $22.3 million in the current fiscal year for Native Hawaiian housing, the highest level of funding ever appropriated by Congress, and requests continued funding at this level. In addition, DHHL applauds the leadership of this Committee by both Senator Schatz and Senator Murkowski in passing NAHASDA reauthorization.

The 2020 Beneficiary Study Report identified 887 lessees that earn 80 percent or less of the HUD Ami with a house needing major repairs. The home assistance program has already assisted over 100 income-eligible households and is geared to continue addressing this need.

The final area that I would like to highlight, and there are many others, is the plan to utilize NAHASDA funds to acquire land. DHHL's Oahu Island Plan noted that approximated 1,390 acres of land suitable for residential development is necessary to meet the homestead needs of beneficiary households on the residential wait-

ing list that are not otherwise accommodated assuming full implementation of the Oahu Island Plan. Because of this high demand and limited availability of land on Oahu, the program areas exceed what is currently [indiscernible].

The Native Hawaiian Housing Loan Guarantee Program, known as the Section 184A program, provides access to mortgage financing to Native Hawaiian families who are eligible to reside on home lands and would otherwise face barriers to acquiring such financing. As of June 30th, 2021, the HUD 184A loan program had 507 loans with a total outstanding balance of over $112 million.

From July 2020 to June 2021, DHHL processed over 77 HUD 184A loan guarantees, 535 Federal Housing Administration insured loans, 26 Veterans Affairs, and 13 Department of Agriculture Rural Development loans.

[Audio gap.]

Mr. AILA. Hawaiian Home Lands [indiscernible] 1,400 acres with a value in 1998 of $75 million to $80 million continue to be used by Federal agencies. A subsequent credit of $16.9 million was transferred [indiscernible]. However, when we are finalizing [indiscernible] the ask is that the Committee on Indian Affairs consider rather than waiting for Federal lands and assets that we come up with a monetary calculation, and that [indiscernible] to DHHL in order to acquire lands which would occur much quicker and give us the flexibility to find lands that are mostly existing infrastructure, lands that are not [indiscernible] elevations and lands that we don't have to do offsite construction.

So we ask that you consider [indiscernible] I am just looking at my notes one second. I come from [indiscernible] on the west side of Oahu. [indiscernible] 18:53. One thing that is important to me about where I come from, Native Oahuans, [indiscernible] still the greatest [indiscernible] per capita [indiscernible]. But they are not there yet.

[Chant in Native tongue.]

Mr. AILA. It is a chant that I shared with the Department of Natural Resources. It talks about the KU [indiscernible] grass that used to grow on the plains of Moloka'i. It talks about the [indiscernible] rushes that used to grow in the uplands of Hawaii. It no longer exists. So that is my motivation for not [indiscernible] more extinctions [indiscernible]. As the chair of the HHC, it reminds me that we have to do everything we can to ensure survival for Native Hawaiian households [indiscernible] they are all [indiscernible] whether we partner with them or not. Because the worst possible thing that could happen, Senator, is 20 years from now, somebody has to write another [indiscernible] and the [indiscernible] is beneficiaries need [indiscernible] some place else because we weren't able to meet housing needs.

That is what [indiscernible] put [indiscernible] main part of that [indiscernible]. Although we sit here at the table representing different organizations, when we talk to each other, we raise ideas off each other in order to meet the challenges that face all of us. I do want to thank the Chair, and I want to thank [indiscernible] UHILA for being creative, being willing to sit down and just brainstorm on anything [indiscernible].

Thank you.

[The prepared statement of Mr. Aila follows:]

PREPARED STATEMENT OF WILLIAM J. AILA, JR., CHAIRMAN, HAWAIIAN HOMES COMMISSION

Aloha Chairman Schatz, Vice Chairman Murkowski, and Members of the U.S. Senate Committee on Indian Affairs:

Thank you for inviting me to testify on behalf of the Department of Hawaiian Home Lands (DHHL), which is governed by the Hawaiian Homes Commission Act of 1920 (HHCA), enacted by the U.S. Congress to protect and improve the lives of native Hawaiians.[1] Spearheaded by Prince Jonah Kuhio Kalaniana'ole, the HHCA set aside public lands, called Hawaiian Home Lands, to establish a rehabilitative program for native Hawaiians.[2] Under the HHCA, native Hawaiians may obtain 99-year homestead leases at $1 per year for residential, agricultural or pastoral purposes. The federal government served as the sole trustee of the Hawaiian Home Lands program until Statehood.

As required by the Admission Act of 1959[3] and as a compact with the United States, the State and the people of Hawaii adopted the HHCA as a provision of the State Constitution and agreed to faithfully carry out the spirit of the HHCA.[4] The Admission Act provides that the United States continues to have oversight responsibilities over the HHCA and certain amendments may be made only with the consent of the United States. Thus, the United States and the State assumed the duties of a trustee for native Hawaiians under the HHCA. Primary responsibility for the management and administration of the Hawaiian Home Lands program rests with DHHL, a principal department of the State subject to State and Federal laws.

Consistent with the provisions of the HHCA and the Admission Act, Congress enacted the Hawaiian Home Lands Recovery Act (HHLRA) in 1995 to settle land use and ownership disputes as a result of the federal government's removal of Hawaiian Home Lands.[5] In addition, the HHLRA provides a procedure for approval of amendments to the HHCA and land exchanges.

The mission of DHHL is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. Today, DHHL is responsible for the management of approximately 200,000 acres of these trust lands, 9,957 homestead leases statewide, and 45,854 lease applications.[6]

Most of DHHL's lands are located on the neighbor islands in rural or more remote locations with over half of the acreage on the island of Hawai'i[7] including over 56,000 acres on the slopes of Mauna Kea and over 11,000 acres at the southernmost point in both the Hawaiian Islands and US.[8] With over 30,000 acres on Maui,[9] a significant portion of those lands include over 22,000 acres on the southern flank of Haleakala at Kahikinui with elevation ranges from sea level to 9,700 feet near the summit.[10] DHHL's lands on Moloka'i consist of over 25,000 acres of which over half of those lands at Ho'olehua is a rural agricultural community ranging from level plains to rolling hills and sea cliffs at the northern coastal boundary.[11] Kaua'i includes over 20,000 acres of Hawaiian home lands with over 15,000 acres in

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[1] Hawaiian Homes Commission Act, 1920, Pub. L. No. 67–34, 42 Stat. 108 (1921), *https://www.doi.gov/sites/doi.gov/files/uploads/Act-of-July-9-1921-42-Stat-108.pdf.*

[2] The HHCA defines a native Hawaiian as any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

[3] Hawaii Admission Act, Pub. L. No. 86–3, 73 Stat. 4 (1959), *https://www.doi.gov/sites/doi.gov/files/uploads/An-Act-to-Provide-for-the-Admission-of-the-State-of-Hawai.pdf.*

[4] HAW. CONST. ART. XII ♦ 1–2 (1978), *https://www.capitol.hawaii.gov/hrscurrent/Vol01__Ch0001-0042F/05-Const/CONST__0012-0001.htm* and *https://www.capitol.hawaii.gov/hrscurrent/Vol01__Ch0001-0042F/05-Const/CONST__0012-0002.htm.*

[5] Hawaiian Home Lands Recovery Act, Pub. L. No. 104–42, 109 Stat. 353 (1995), *https://www.doi.gov/sites/doi.gov/files/uploads/The-Hawaiian-Home-Lands-Recovery-Act.pdf.*

[6] Lease and application counts as of 3/31/2022. An applicant can hold a maximum of two applications, one for a residential lease and the other for either an agricultural lease or pastoral lease. The 45,854 lease applications are held by less than 29,000 native Hawaiian applicants.

[7] DHHL Hawaii Island Plan (May 2002), *https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island__Plan__Hawaii__2002.pdf.*

[8] South Point Resources Management Plan (October 2016), *https://dhhl.hawaii.gov/wp-content/uploads/2017/06/DHHL-South-Point-Final-Plan__101916__to-DHHL__low-res.pdf.*

[9] Maui Island Plan (September 2004), *https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island__Plan__Maui__2004.pdf.*

[10] Kahikinui Regional Plan (July 2011), *https://dhhl.hawaii.gov/wp-content/uploads/2011/06/Kahikinui__RP__110711.pdf.*

[11] DHHL Molokai Island Plan (June 2005), https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island__Plan__Molokai__2005.pdf and 2019 Molokai Regional Plan, https://dhhl.hawaii.gov/wp-content/uploads/2020/02/Molokai-Regional-Plan-Update-Final__02–18–20__HHC.pdf.

Waimea, of which two thirds of the area is described as steep, mountainous terrain and isolated valleys.[12] O'ahu, the island with the greatest demand of applicants looking for homestead opportunities has the least amount of land with just over 8,000 acres, of which over 1,400 acres is designated conservation primarily consisting of the steep cliffs along the Ko'olau.[13]

Along with developing new homesteads, DHHL also has other critical, albeit lesser known responsibilities. Like a county, DHHL maintains and repairs existing infrastructure (e.g. clearing of flood channels and drainage, fire protection of all lands, roads and facilities maintenance, sewer emergencies and repairs, etc.) In addition to County-like responsibilities, DHHL also performs water utility functions. DHHL owns and operates three regulated public water systems on Moloka'i, Kaua'i, and Hawai'i islands. Together, the systems have a total of 826 meters serving approximately 2,500 individuals (not including the schools and airport that are supported by the Moloka'i system). DHHL also owns and operates a non-potable water system for stock purposes in Pu'ukapu and soon to be constructed non-potable water system in Honokaia, both on Hawai'i Island. These non-potable water systems are designed to service over 200 connections.

Housing Needs of Native Hawaiians

DHHL conducted a study among all of its beneficiaries, current lessees[14] and waitlist applicants for homestead awards in 2020.[15] The purpose of the study was to assess the current condition and needs of DHHL beneficiaries and was designed to be consistent and similar to previous studies conducted in 1995, 2003, 2008, and 2014. These studies provide the most recent beneficiary data. In addition, the U.S. Department of Housing and Urban Development (HUD) commissioned the Assessment of Native Hawaiian Housing Needs.[16] Some of the key finding of this HUD study include the following:

- Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian's household was 4.1 people compared with 2.7 people for residents of Hawaii households.
- Although improvements were made during the 2000-to-2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged: they have lower incomes, higher rates of assistance receipt, and higher poverty rates than do other residents of Hawaii.
- Native Hawaiian households also experience higher rates of overcrowding (15 percent) compared with residents of Hawaii households (8 percent).
- Homelessness among Native Hawaiians is prevalent. Although not typically chronically homeless, they are overrepresented in Hawaii's homeless population. Homeless Native Hawaiians often have jobs but cannot afford housing, so they double up (hidden homeless) or live in tents, shelters, cars, or garages.
- HHCA beneficiary households on the waiting list are more economically disadvantaged than are Native Hawaiian households overall, residents of Hawaii households, and Native Hawaiian households living on the home lands.

  —HHCA beneficiary households on the waiting list have the lowest median income of all four groups by a substantial margin: $48,000 compared with more than $60,000 for all other groups.

  —HHCA beneficiaries on the waiting list also receive public cash assistance at more than twice the rate of the other groups: about 20 percent of households on the waiting list received public cash assistance compared with about 7 percent of Native Hawaiians and those living on the home lands and 3 percent for residents of Hawaii.
- HHCA beneficiary households on the waiting list face more significant housing challenges across all dimensions than do the other groups.

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[12] Kauai Island Plan (May 2004), *https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Kauai_2004.pdf.*

[13] Oahu Island Plan (July 2014), *https://dhhl.hawaii.gov/wp-content/uploads/2013/04/DHHL-OIP-Final-140708.pdf.*

[14] DHHL Beneficiaries Study Lessee Report, 2020 (December 30, 2020), *https://dhhl.hawaii.gov/wp-content/uploads/2021/01/DHHL_Lessee-UI_Report_FINAL-202101.pdf.*

[15] DHHL Beneficiaries Study Applicant Report, 2020 (December 30, 2020), *https://dhhl.hawaii.gov/wp-content/uploads/2021/04/DHHL-Applicant-Report-FINAL-Revised-210426.pdf.*

[16] Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs (May 2017), *https://www.huduser.gov/portal/sites/default/files/pdf/HNNH.pdf.*

—Nearly 40 percent of HHCA beneficiary households on the waiting list were overcrowded compared with only 19 percent of households on sampled Hawaiian home lands, 15 percent of the state's Native Hawaiian households, and 8 percent of residents of Hawaii households.

—About 10 percent of HHCA beneficiary households on the waiting list lack complete plumbing compared with 1 percent for all other groups.

—Nearly one-half (46 percent) of HHCA beneficiary households on the waiting list experience cost burden compared with 40 percent of Native Hawaiian households, 42 percent of residents of Hawaii households, and only 21 percent of households on the sampled Hawaiian home lands. The much lower rate of cost burden among home lands households is due, at least in part, to the financial benefits of home lands leases, which reduce monthly housing costs, including minimal lease payments for the land and a 7-year exemption from real estate property tax.

The conclusions in the HUD study guide DHHL's programs that are ultimately aimed at upholding the State and Federal trust responsibility to beneficiaries.

Continued Support for Title VIII of NAHASDA

The first conclusion in the HUD study identifies the importance of Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA) to support the critical housing needs of Native Hawaiian families who are eligible to reside on the Hawaiian home lands.[17]

DHHL is grateful to Chairman Schatz for securing $22.3 million in the current fiscal year for Native Hawaiian Housing, the highest level of Federal funding ever appropriated by Congress and requests continued funding at this level. In addition, DHHL applauds the leadership of this committee by both Senators Schatz and Murkowski in passing NAHASDA reauthorization.

NAHASDA funding has enabled DHHL to address and target those Native Hawaiian households most in need and with continued funding and support, reauthorization, and expansion of NAHASDA, even more native Hawaiians could realize the legacy of Prince Jonah Kuhio Kalaniana'ole through award of a homestead lease and the resultant lower housing cost burden. In the most recent housing plan submitted to HUD that is currently under review, DHHL noted a continued focus on homeowner financing and down payment assistance options for native Hawaiian households that earn 80 percent or less of HUD AMI as a means for these households to realize homeownership. The housing plan also acknowledged that while the HUD study noted that HHCA beneficiary households on the waiting list face more significant housing challenges, lessees, especially in our older homestead communities face aging substandard housing. The 2020 Beneficiary Study Lessee Report identified 887 lessees that earn 80 percent or less of HUD AMI with a house needing major repairs. The home assistance program has already assisted over 100 income-eligible households and is geared to continue addressing this need.

In recognition of the need for increased housing stability, especially as families experienced hardships associated with the Coronavirus pandemic, DHHL took swift action first by approving the postponement of mortgage loan payments for all DHHL direct loans and loans assigned to DHHL. Chairman Schatz and the rest of Hawaii's Congressional delegation worked to pass legislation that provided relief for homeowners with government-guaranteed mortgages including mortgages backed by FHA, USDA, VA, HU Sec 184A, Fannie Mae, or Freddie Mac. DHHL also initially utilized NAHASDA funds to provide emergency rental and homeowner assistance and has since received other federal funds for this purpose. DHHL received $2.4 million for rental assistance through the Consolidated Appropriations Act, 2021. The U.S. Department of Treasury recognized DHHL as a high performing grantee in expending these funds to assist native Hawaiians. DHHL also received $5 million under the American Rescue Plan Act of 2021 that was used for rental assistance for Native Hawaiians. These funds have all been expended and DHHL continued to provide rental assistance to Native Hawaiian families with an additional $5 million in emergency rental assistance funds provided from the State's allocation of emergency rental assistance. Over 1000 Native Hawaiian households received emergency rental or homeowner assistance funded through NAHASDA or these other federal funds.

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[17] Title VIII of NAHASDA defines Native Hawaiian as any individual who is (A) a citizen of the United States; and (B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by (i) genealogical records; (ii) verification by kupuna (elders) or kama'aina (long-term community residents); or (iii) birth records of the State of Hawaii.

DHHL will build upon this emergency assistance by providing rental assistance initially to kupuna (elders) and subsequently disabled HHCA beneficiary households who have been on the waiting list longest in an effort to provide financial assistance for those at risk of homelessness or facing financial hardship. As the HUD study points out, this complementary approach supports affordable rental options as a stepping stone to homeownership.

The HUD study identified homelessness among Native Hawaiians as a significant problem, but also acknowledged that data is not available for only Native Hawaiians. In an effort to fill this gap, DHHL entered into a Memorandum of Understanding with Partners in Care—Oahu Continuum of Care to understand how pervasive the situation of homelessness might be among its beneficiaries and especially those HHCA beneficiary households on the waiting list. Additionally, the conversion of an existing structure on Oahu to a transitional housing facility for beneficiaries is intended to begin addressing this need and serve as a model for future facilities.

The final area DHHL would like to highlight is the plan to utilize NAHASDA funds to acquire land. DHHL's Oahu Island Plan noted that approximately 1,390 acres of land suitable for residential development is necessary to meet the homestead needs of HHCA beneficiary households on the residential waiting list that are not otherwise accommodated assuming full implementation of the Oahu Island Plan. Because of this high demand and limited availability of land on Oahu, one of the program areas in the housing plan is the development of site selection criteria to screen land and existing structures to identify possible lands and existing structures for residential units for HHCA beneficiary households on the waiting list.

The fifteen program areas in the housing plan under review by HUD projects an expenditure of $18.1 million of NAHASDA funds, underscoring the need for continued funding at the current level.

Funding for Homeowner Financing on Hawaiian Home Lands

The unique legal status of Hawaiian home lands impacts the availability of financing. Nevertheless, the existing portfolio of nearly 5,000 loans totaling over $700 million financed the construction, purchase, or rehabilitation of homes on Hawaiian home lands.

The Native Hawaiian Housing Loan Guarantee program (also known as the Section 184A program) provides access to mortgage financing to Native Hawaiian families who are eligible to reside on Hawaiian home lands and would otherwise face barriers to acquiring such financing. As of June 30, 2021, the HUD184A loan program had 507 loans with a total outstanding principal balance of over $112 million. In FY 21 from July 1, 2020 through June 30, 2021, DHHL processed 77 HUD184A loan guarantees, 535 Federal Housing Administration (FHA) insured loans, 26 Veterans Affairs (VA), and 13 U.S. Department of Agriculture Rural Development (USDA–RD) loans. Each of these loans represents an opportunity for a native Hawaiian to return to trust lands or to remain on these lands. The President's FY 23 budget of $28 million in total loan principal for new commitments to guarantee loans as authorized by the Section 184A program should continue to serve the demand for financing on Hawaiian home lands.

Appropriate Funding to Resolve the Outstanding Balance Under the HHLRA

The HHLRA authorizes the conveyance of certain non-ceded federal fee land in Hawaii to DHHL in exchange for the federal government's continued use of Hawaiian home lands at Lualualei and Waimanalo on Oahu and Kalaupapa on Molokai. The HHLRA further provides for the settlement of claims arising from the lost use, or foregone rent, for past use of these lands by federal agencies. Any federal lands that are transferred to DHHL are available for development for the benefit of native Hawaiians and assume the status of available lands. Before any land is transferred to DHHL, the federal property must complete the process of: (1) being declared as excess to federal needs; (2) environmental cleanup pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; and (3) completion of surveys and legal documents.

The HHLRA acknowledges that a total of 1,486 acres of Hawaiian home lands with a 1998 value of $75 to $80 million continue to be used by federal agencies. A subsequent credit of $16.9 million for use of the Waipahu Federal Communications Commission Monitor Station property was also added into the calculation. Therefore, the total amount due to DHHL increased to a total of $92 to $97 million.

There have been federal land conveyances to DHHL since the HHLRA was signed. As of July 2020, 843 acres with a value of $58 to $72 million had been transferred to DHHL. Therefore, a balance of about $24 to $33 million in 1998 land value is still due to DHHL. Part of the ongoing effort to resolve these outstanding claims

resulted in the transfer of an 80-acre parcel of surplus property at the former NOAA Pacific Tsunami Warning Center on Oahu last year. Even with this most recent transfer of lands, an outstanding balance under the HHLRA still remains.

Moreover, while DHHL acknowledges that the greatest demand for land is on Oahu and the priority is to obtain lands where offsite infrastructure is already in place, under development, or requires limited resources to connect to existing infrastructure, the Oahu Island Plan cautions that some lands that were previously acquired through the HHLRA ended up providing limited homesteading. Therefore, it is recommended that any future potential land acquisition follow a review process that allows for lands to be rejected if those federal surplus lands have limited potential for homesteading. Conditions that are conducive for homesteading could include the following:

- A homestead density can be achieved that is consistent with current DHHL Residential or Subsistence Agriculture developments, if acquisition is pursued for homestead purposes.
- Estimated off-site infrastructure costs are comparable to the average cost for current DHHL developments.
- Slopes are less than 25 percent.
- Lands have not been identified as critical habitats or floodways.
- Development potential is not significantly reduced based upon obligatory development restrictions (i.e. location at the end of a runway, within blast zone, habitation conservation requirements, deed restrictions, etc.).
- Acquisitions identified for homesteading are located within areas of high preference.

In recognition of these issues that require proper consideration, it may be more efficient to appropriate funding for an agreed upon amount to DHHL to resolve the outstanding balance under the HHLRA that could then be used to acquire land on Oahu that better fit the criteria rather than waiting for excess federal lands to become available.

Addressing Climate Change

Hawaii is already feeling the impacts brought forth by climate change and as time progresses these effects—rising sea levels, rising temperatures, and less & heavy rain will be more prominent aspects of our lives.[18] Sea level is rising at increasing rates indicating a growing vulnerability to coastal flooding and erosion.[19] Sea level rise also affects cultural practices like fishpond maintenance, harvesting of salt, and gathering from the nearshore fisheries.[20] Climate change and forest loss are working together to make Hawaii drier and hotter. Hawaii lost a higher proportion of total land area to wildfires than the 12 fire-prone states in the western US combined from 2005–2011. Warming waters are harming sea life and warmer oceans are causing more frequent and intense extreme weather events.[21] Rainfall has declined significantly over the past 30 years, with increasing variation in rainfall patterns on each island.

As a member of the Hawaii Climate Change Mitigation and Adaptation Commission, DHHL along with several other State and County government officials have focused on two main areas: (1) understanding and developing strategies to reduce greenhouse gas emissions, with an emphasis on mitigating ground transportation emissions by transitioning to clean transportation and (2) implementing the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report by supporting sustainable and resilient land use and community development through prioritizing smart redevelopment in areas outside the sea level exposure area, limiting exposure inside the sea level rise exposure area, and incentivizing improved flood risk management while addressing cultural and environmental vulnerabilities.

Prior to serving on the Hawaii Climate Change Mitigation and Adaptation Commission, DHHL requested the assistance of the University of Hawaii at Manoa's De-

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[18] Hawaii Climate Change Portal, *https://climate.hawaii.gov/*.

[19] Hawaii Sea Level Rise Vulnerability and Adaptation Report (December 2017), *https://climateadaptation.hawaii.gov/wp-content/uploads/2017/12/SLR-Report_Dec2017.pdf*.

[20] Traditional Hawaiian Salt Makers Combat Climate Change (July 17, 2017), *https://www.hawaiipublicradio.org/post/traditional-hawaiian-salt-makers-combat-climate-change#stream/0*.

[21] Climate Change Brief of the City and County of Honolulu Climate Change Commission (June 5, 2018), *https://static1.squarespace.com/static/59af5d3cd7bdce7aa5c3e11f/t/5bda020bf950b7dd16a458d6/1541014029634/Climate+Change+Brief.pdf*.

partment of Urban and Regional Planning to identify and assess coastal hazard vulnerabilities affecting DHHL communities.[22] 29 DHHL communities with land inside Special Management Area boundaries or tsunami evacuation zones were identified and of these, the communities with the greatest population exposed to the greatest numbers of hazards were identified for each island. Five communities underwent a detailed vulnerability assessment, which compared four hazard types (tsunami inundation, flooding, coastal erosion, and sea level rise) and are among the most vulnerable to coastal hazards and should be prioritized in climate change planning initiatives. One of those areas is the South Molokai Shoreline. The Kapa'akea homestead community is extremely vulnerable to the effects of natural disasters including flooding due to serious soil erosion and sea level rise. There are a range of measures that can effectively mitigate inundation on coastal areas including retreat, accommodation, and protection. While the least favorable adaptive measure is retreat, depending on how severe the effects of sea level rise in the islands, retreat and relocation are likely to be the only options as proper drainage becomes less effective in transporting flood water out to the ocean. Nevertheless, response to climate change must include Native Hawaiians and incorporate traditional knowledge or Native stewardship principles.[23] DHHL is uniquely suited in this effort as a few areas on certain islands encompass a traditional land area.

Broadband Infrastructure

The State of Hawaii recognizes robust broadband infrastructure as foundational to Hawai'i's economic future and, as importantly, the quality of life of its residents.[24] However, many in Hawai'i, primarily from rural and socioeconomically disadvantaged communities, lack the necessary digital tools to work, learn, receive essential services, and participate in civic and social activities.[25] If this is left to continue, the impacts of digital inequity may become an increasingly significant contributor to a widening socioeconomic gap.

Recently completed DHHL beneficiary studies report that 8.6 percent of lessees on Hawaiian home lands indicated that no one in the household regularly uses a device to email/access the Internet. Most concerning is that lessee households earning less than 30 percent and 50 percent of the HUD income level reported a significantly higher number of no one in the household regularly using a device to email/access the Internet at 21.5 percent and 13.2 percent, respectively. Similar outcomes were reported for native Hawaiians on DHHL's waiting list for a homestead award with 5.4 percent indicating that no one uses a device to send email or access the Internet with households earning less than 30 percent and 50 percent of the HUD income level reporting 13.4 percent and 9.3 percent, respectively. Thus, DHHL is working with the State and the University of Hawaii in prioritizing digital equity.

Underlying all of these issues is the importance of upholding the Federal trust responsibility to Native Hawaiians as consistently and expressly acknowledged by Congress through the enactment of the HHCA, Admission Act, HHLRA, and the Hawaiian Homelands Homeownership Act codified in Title VIII of NAHASDA.

With the support of Chairman Schatz, critical funding has increased for important programs, yet many unmet housing needs of Native Hawaiians remain. DHHL stands ready to assist in accomplishing this most important work of ensuring the Federal trust responsibility to Native Hawaiians continues to be upheld.

In closing, I wish to express my appreciation and gratitude to Chairman Schatz for inviting me to testify. It has been an honor to have had this opportunity to address you and this Committee.

The CHAIRMAN. Thank you, Mr. Aila.

Mr. Lewis, please proceed with your testimony.

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[22] Coastal Resilience for DHHL Communities (May 2015), *http://manoa.hawaii.edu/durp/wp-content/uploads/2016/10/Plan-751-Sp-2015-DHHL-Coastal-practicum-LM-edit.compressed.pdf.*

[23] Testimony of Chair Carmen Hulu Linsey, Board of Trustees of the Office of Hawaiian Affairs before the U.S. House Committee on Natural Resources' Subcommittee for Indigenous Peoples of the United States—Oversight Hearing on "A Year in Review: The State of COVID–19 in American Indian, Alaska Native, and Native Hawaiian Communities" (March 23, 2021), https://naturalresources.house.gov/imo/media/doc/SCIP%2003.23%20Testimony%20-%20Chair%20Lindsey%20(OHA)1.pdf.

[24] Hawaii Broadband Strategic Plan (October 2020), *https://broadband.hawaii.gov/wp-content/uploads/2020/11/Hawaii-BB-Plan-2020-FINAL__10-23-20__v1.1.pdf.*

[25] Broadband Hui, Broadband for A.L.L. (Access, Literacy, Livelihood)—A Digital Equity Declaration for Hawai'i, *https://www.broadbandhui.org/*.

STATEMENT OF KŪHIŌ LEWIS, PRESIDENT/CEO, COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

Mr. LEWIS. Aloha, Chair Schatz, and your amazing Committee. Mahalo nui for the opportunity to be here to share. I am Kūhiō Lewis, from the Council for Native Hawaiian Advancement. We are a 501(c)(3) non-profit organization. We represent and we support over 400 members who make up CNHA's infrastructure. They are the backbone of the work CNHA does.

I want to start off, Senator, by highlighting some of the things we have been able to accomplish over the last few years, which can be directly attributed to support from the Federal Government by way of the Congress. First of all, I want to highlight the emergency relief program that CDC administers. We have partnered with the Department of Hawaiian Home Lands, State of Hawaii, and with the city and county of Honolulu. We have been successful in distributing over $105 million to residents of our State. That is 80,000 checks supporting over 14,000 households.

The [indiscernible] organization that had the capacity to lift up a program of this magnitude. So when billions of dollars came out from Congress, we had to move quickly. We positioned the organization to be solution-oriented, to help uplift Hawaii, not just Native Hawaiians, but all Hawaii, because I believe there is a sense of kuleana in this place and in everyone who lives here.

We were recognized recently by the United States Treasury as being top performing in the [indiscernible] to inspire others. The program has had tremendous success in providing immediate stability to our families. However, we continue to look at ways in which we can continue that support so long-term they can find stability. Many of them have already [indiscernible] depending on the program, so now we can figure out [indiscernible]. So these are some of the active discussions that are going on within CNHA as well as the department.

I want to also thank the Federal Government for the Pop-Up Makeke, which really was born also during the pandemic. This is an online marketplace. It supported over 300 small businesses, provided a means for them to survive. When the State of Hawaii shut down, hundreds of our small businesses shut down with the State. They didn't have a place to sell their products, their Hawaii-based products.

To date, the Pop-Up Makeke has sold over 230 Hawaiian-based products and shipped them around the world. It has put millions of dollars into the pockets of these small businesses. Again, I want to recognize that money to get it started came from CARES Act funds.

I also want to thank Congress for the SBA program. We received millions of dollars from SBA to support our small businesses. We supported hundreds of Hawaii's small businesses to find the right [indiscernible] so they can survive post-[indiscernible]. Our Hawaiian Trades Academy, we graduated hundreds of tradesmen, so that they can find some degree of self-sufficiency in this rapidly moving economy as we seek [indiscernible] to provide to dozens of our businesses and individuals who don't have access to capital.

All of these tools and resources have provided many of our families stability. Thank you for that.

I wanted to highlight some of the initiatives I believe are critical for CNHA as we move forward. When I say CNHA, I am speaking on behalf of those [indiscernible]. Number one, we will be focused on housing. As we know, too many of our families are moving away from our islands. Over half of our population now call home outside Hawaii. With them goes our culture, the very thing that keeps Hawaii Hawaiian. So they need places to live, so they can find some degree of prosperity. It is just out of reach for some.

Economic development is huge. This is why we are focusing on building businesses up. Investing in [indiscernible], first of all, businesses' access to capital to ensure that they have available resources to support their growth. Also, grooming a generation of leaders, helping the next generation find their place in Hawaii so that they can [indiscernible] part of the solution long-term.

Most importantly, it is time that we start re-engaging in the discussion of our relations to the United States. The last few years, we have been focused on survival, and how we survive as a people through the pandemic. But as we turn the page, it gets a critical conversation for [indiscernible] and the intellectual examining of what that means for our people and our survival in our home lands.

With that, Senator, those are the positions of our organization. Again, I want to extend a big mahalo, because without support from Congress, many of our families wouldn't be housed today, they wouldn't have businesses, they wouldn't be where they are. Thank you.

[The prepared statement of Mr. Lewis follows:]

PREPARED STATEMENT OF KŪHIŌ LEWIS, PRESIDENT/CEO, COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

Aloha mai e Chair Schatz, Vice Chair Murkowski, and members of the Committee:

Mahalo nui for the opportunity to provide this testimony. The Council for Native Hawaiian Advancement (CNHA) is member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. Nearly 100 full-time employees work in furtherance of this mission, on behalf of over 400 organizations and individuals who comprise our membership. Although CNHA was founded in 2001, we have recently experienced tremendous growth as we expanded our operations to provide more support for our community during the COVID–19 pandemic.

Over the past two years, we have been able to leverage various sources of funding, and federal funds in particular, to create partnerships and programs to provide services and direct resources to Native Hawaiians and others in Hawai'i. Although we are proud of all our accomplishments, before going into further detail we would like to highlight two ways that we have been able to utilize federal funds during the pandemic.

First, CNHA has successfully utilized a variety of federal funds—and not just federal funds specifically set aside for this nation's Indigenous people—to uplift Native Hawaiians. For example, CNHA was awarded contracts to disburse emergency relief funds (both Emergency Rental Assistance and Homeowner Assistance Funds) allocated for Native Hawaiians through the Department of Hawaiian Home Lands (DHHL). We invested heavily in technology, human and other resources to establish an innovative and integrated system to deploy millions of dollars in federal funds quickly, effectively, and efficiently. Having developed a track record of success, CNHA was able to secure contracts with the City and County of Honolulu (City) to disburse its ERA funds, which are not limited to Native Hawaiians. The success of the City and DHHL in disbursing these federal funds was recognized by the Department of Treasury, which then awarded additional federal emergency relief funds to the State of Hawai'i. Because the data indicates that Native Hawaiians face disproportionate housing security needs, we believe that these additional emergency re-

lief funds will disproportionately be used by Native Hawaiians. Ultimately, CNHA was able to leverage native federal funds to secure additional non-native federal funds, thereby expanding the total pool of federal funds that we know will allow more Native Hawaiians to benefit from critical services.

Second, CNHA has demonstrated that although Native Hawaiians face unique challenges, due in large part to the injustices of the past, we can still rely on ourselves to uplift our own people while also taking the lead in finding answers to issues affecting all Hawai'i residents. The needs of minority and Indigenous people are often seen as a drain on the rest of society, especially during economic downturns. CNHA sought to turn that sentiment on its head during the pandemic, and we accomplished this through hard work and initiative, investment in technology, networking with our partners, and most importantly, listening to our community. The close relationship that we have with our people, through our members and our community programs, allows us to see immediate and emerging challenges, and take action accordingly. This is how we knew that the cancellation of the Merrie Monarch Festival would devastate Native Hawaiian crafters and artisans. This realization gave rise to Pop-Up Makeke (described in further detail below), which now supports Native Hawaiian and non-Native Hawaiian small businesses. Innovation is a necessity for native people to survive and thrive in the 21st century; our communities are incubators for solutions that can be scaled up to address larger societal challenges.

CNHA's Services and Programs

Federal Emergency Relief Funds

Over the past 24 months, CNHA has successfully administered and disbursed over $105 million in federal emergency relief funds on behalf of the State of Hawai'i, City and County of Honolulu and the Department of Hawaiian Homelands, thus playing a crucial role in ensuring that Native Hawaiians and all Hawai'i residents received timely financial assistance that allowed them to remain in their homes. CNHA administered federal rental assistance funds from ERA1 and ERA2 as well as mortgage assistance funds from the Homeowner Assistance Fund allocated to separate State of Hawai'i and DHHL programs. To date, CNHA has cut over 80,000 checks to 14,000 households, and we continue to process new applications and recertifications of benefit as many of our community members continue to suffer from the financial impact of the pandemic. CNHA was a leader of the small hui of community organizations who contributed to the city and DHHL's being named as one of the highest performing governmental entities in the nation in disbursing emergency federal funds by the U.S. Department of Treasury in September 2021. It brings us great honor to say that a small native organization located on what are essentially tribal lands was a nationally-recognized leader in helping all of its state's residents during a catastrophic pandemic.

Certified Native Community Development Financial Institution/Certified HUD-Housing Counseling Agency

In furtherance of our mission, CNHA also operates as a Certified Native Community Development Financial Institution (CDFI) and a Certified HUD-Housing Counseling Agency. Throughout the pandemic, we have witnessed a sharp increase in the demand for our services and programs. Despite our limited capacity to meet loan demands, with only $7 million in our revolving fund, CNHA was able to extend much needed financial assistance to individuals and organizations normally shunned by traditional lenders due to poor or non-existent credit history. By maintaining close relationship with our borrowers, including providing financial literacy, business and money management courses, risk counseling, and applying effective portfolio management tools, we currently maintain rates lower than 2 precent and 1 percent in delinquency and write-offs, respectively.

Pop-Up Makeke

In April 2020, with assistance from CARES Act funds, we launched the Pop-Up Makeke as a response to the economic hardship caused by the cancellation of events and craft fairs, and the temporary shut-down of local brick-and-mortar stores. Serving as a centralized on-line marketplace, the Pop-Up Makeke helped over 300 small business owners, artisans, and vendors to reach and sell to tens of thousands of customers. Although we had originally intended for the Pop-Up Makeke to last for only a couple of months, this endeavor proved to be so successful that it continues today, even after the CARES Act funds have dried up. To date, Pop-Up Makeke has supported over 400 businesses to sell over 180,000 products and generate roughly $3 million in sales.

KuHana Business Program

We also launched our KuHana Business Program in 2020. Funded in part through a cooperative agreement with the U.S. Small Business Administration (SBA), KuHana is a business accelerator that promotes the economic development of entrepreneurs and small businesses by providing training, technical assistance, and networking opportunities. Although KuHana was not originally conceived as a response to the pandemic, this program quickly adapted to incorporate best practices relevant to the unique challenges businesses are now presented with. KuHana just began its eighth cohort, and successful graduates will walk away with a completed business plan, a one-year business membership to CNHA, ongoing technical assistance support, access to networking events, and an opportunity to pitch their business plan to community partners and investors. To date, the KuHana business program has helped over 150 businesses to accumulate over $600,000 of capital to support their collective endeavors.

Hawaiian Trades Academy

In addition to supporting small businesses and entrepreneurs, CNHA also promotes workforce development through the Hawaiian Trades Academy, which launched in 2019 with the goal of raising the household income of families in Hawai'i. Over an eight-14-week period, participants learn and develop skills, gain mentoring, and acquire certifications to enter the trades industries. When the COVID–19 pandemic hit Hawai'i and the unemployment rate shot up to over 20 percent statewide, this program provided a critical service to up-skill and diversify the job opportunities for many in need. The Trades Academy has graduated 13 cohorts, spanning three counties, and consisting of over 300 graduates in trades programs for carpentry, trucking, fire, police, and solar installation. Since its inception, the Hawaiian Trades Academy has received over $1.3 million in private and state grant funding, and we have recently been awarded grant funding from the U.S. Department of Labor, in accordance with the Workforce Development Innovation and Opportunity Act.

CNHA's Requests to the Senate Committee on Indian Affairs

Through over 20 years of advocating to improve the economic and living conditions of Native Hawaiians, our organization has gained invaluable experience, built numerous partnerships, and developed a keen understanding of the needs of our community. By leveraging these assets, CNHA was able to address the challenges presented by the COVID–19 pandemic and successfully administer programs, provide loans, and disburse emergency relief funds to support our community through these challenging times. Nonetheless, the needs of our people remain great, and demand for our services continues to increase. In light of the experience and insights that CNHA has gained, especially over the course of the past two years, we humbly submit to the Committee the following requests that we believe will foster innovation and improved outcomes within our community.

1. ERA2 Housing Stability Funds—ERA2 funds have had an incredible impact on keeping our families in their homes and off the streets during the pandemic. As these programs begin to conclude due to the spend down in funding, providers are now focusing on finding ways to bridge these programs with long-term housing stability initiatives for Hawai'i residents. Recent surges in applications suggest that the demand for these services is increasing. CNHA has been working with the City and County of Honolulu to use ERA2 Housing Stability Funds to cover workforce development and cultural programming such as ho'oponopono, which can be roughly understood as "family counseling" within this context. Experience tells us that these interventions are successful at meeting the unique needs of the NHPI community—a community that disproportionately faces housing instability. Moreover, our research indicates that other states are using Housing Stability Funds similarly. Unfortunately, we have been informed by Catholic Charities Hawai'i that the Department of Treasury has rejected our Housing Stability Funds proposal. While the ERA2 funds are not specifically reserved for native peoples, we still believe that the federal government should carefully consider native concerns and requests for the use of all federal funds, especially when they will disproportionately impact our people. Increased flexibility in the use of these funds reflects the understanding that native peoples know what works best for our own communities.

2. Additional Federal Emergency Funds for Native Hawaiians to be Administered by CNHA—As previously mentioned, our data suggests that the need for emergency rental assistance is growing in Hawai'i. Buoyed by our successes with the administration and disbursements of ERA1 and ERA2 in the past 24

months, CNHA believes that we have demonstrated that we are clearly the best entity to disburse large scale federal emergency financial assistance most effectively and efficiently to the Native Hawaiian community. We have in place sophisticated infrastructure, processes, and procedures capable of handling tremendous amounts of data, transactions and communications. Equally important is our dedicated and talented staff of over 100, both permanent and temporary, who have endured a fast-phased work environment like no other. Moreover, after collecting socio-economic and demographic data on Native Hawaiians for the last two years, no other entity has a more complete and current information than CNHA on the economic well-being of Native Hawaiians.

We are asking that CNHA be a preferred entity in the State of Hawai'i to manage and execute all federal emergency funds, including additional emergency rental or mortgage assistance funds, established specifically for Native Hawaiians.

3. Native Hawaiian-Owned Bank—Considering CNHA's successes during the pandemic and the recognition it has received from the community as a trusted partner and a community resource, CNHA hopes to leverage our accomplishments to further deliver on our mission. CNHA's management is currently planning to establish the very first Native Hawaiian-owned, Native Hawaiian-serving bank. This entity will be a conduit for capital formation, investment, lending and borrowing for Native Hawaiian individuals, businesses and organizations located within Hawai'i. This Native Hawaiian bank would be unique in many ways, but especially by the fact that it would be serving a subset of Hawai'i's population that is persistently poor and underserved by traditional lenders. Through this bank, Native Hawaiians will have the opportunity to establish consumer credits, learn financial literacy, and assume loans for education, housing and other personal aspirations.

CNHA asks that the federal government invest in CNHA for at least the initial minimum cash outlay needed to establish a bank, while providing training, education, mentorship and other technical assistance.

4. CDFI Funding to Native Hawaiians—We request that a separate CDFI program be established specifically for Native Hawaiians. Currently, Native Hawaiian CDFIs are forced to compete with Native Americans for the Native American CDFI Assistance Program (NACA), and our applications are often unsuccessful. Dedicated funding for Native Hawaiian CDFIs would allow our CDFIs to grow and develop so that additional resources could then be acquired and distributed into our communities.

In closing, we mahalo the Senate Committee on Indian Affairs for traveling to Hawai'i to hear from Native Hawaiians directly and in person. We thank Chair Schatz, Vice Chair Murkowski, and all the members of the Committee for the opportunity to share our mana'o today, and for their support of native issues over the years.

The CHAIRMAN. Thank you to all of our testifiers. I want to start with Chair Lindsey. OHA had to expand emergency financial assistance this year to respond to growing needs. I wonder if you can give us either some color or data on what the financial picture is now versus pre-COVID times. So you see anything that is either encouraging or alarming? Where are we now?

Ms. LINDSEY. I think during pandemic times, we had monies coming from all over the place, and being [indiscernible] finances [indiscernible] to help our people. But it has dried up. I think there is a definite need, there are people who are not being able to pay their mortgage and pay their rent and [indiscernible]. So I think there is a real need right now to see some kind of continuity to help these people.

[indiscernible] something that we use and I think most of the emergency funds use was paid directly to the mortgage companies and landlords, and electric companies and water companies. So it is not as if the money is being wasted. It is true need. There is a possibility of continuity of these kinds of funds [indiscernible] need it here in Hawaii.

The CHAIRMAN. Thank you. New topic. We had a hearing a couple of weeks ago where we had Mark Patterson from the Hawaii Correctional System Oversight Commission. He has had a fair amount of success with culturally based trauma and [indiscernible] interventions for women and children. My understanding is that OHA is sort of stepping into this space. I am wondering if you can elaborate on what you are doing and how you think maybe the Committee or the Federal Government might be of assistance.

Ms. LINDSEY. Thank you for that question. Just coincidentally, in the last legislative session, I was invited to a special group called the Women's Project, led by the Governor, including [indiscernible]. She signaled a very [indiscernible] women who wanted to help with this problem. I met [indiscernible] with him and he [indiscernible] some of the problems in our women's prisons.

I think there were definitely, there were 10 bills introduced in the legislature. Not all passed, but we are going to, we have a commission for the women's prison to help guide the department to improve the conditions of the women in the prison, in that they are able to see their children. The women are the domestic part of a family. The children are an important part of how they live their lives.

So being able to be close to their children is a big thing in their recovery as well. We would like to see that that happens.

And our prison is so dilapidated. If there are funds that can help improve that condition that would be very helpful, Senator. I believe Mr. Patterson has a good [indiscernible] and I have the highest respect for his leadership and direction. I believe he is meeting with you in a couple of weeks.

The CHAIRMAN. Yes. The one thing I would note, and we have a couple of [indiscernible] on the next panel, is that sometimes it is not a lack of programs, it is a lack of connectivity among these programs.

Ms. LINDSEY. Yes.

The CHAIRMAN. I always think back to my non-profit times, and folks would get out of prison, where they were receiving mental health services, and there would be a break in case management, even medication. The only way they could get care again is to rehospitalize or reincarcerate.

Ms. LINDSEY. Right.

The CHAIRMAN. So part of what we all have to do is to develop a series of recommendations, in my view, for the next Governor. Because this has to be overseen at the sort of cabinet meeting level, so that the public safety department is talking to the department of health, is talking to the Office of Hawaiian Affairs, and we are thinking about the person who is coming out of incarceration and how she or he may transition back to being a productive community member. It is not enough to provide eservices once someone finds themselves in great difficulty. It is already too late by then.

I am struck by the fact that there is always a need for resources, but sometimes we need to just coordinate the resources that exist a little bit better. I am hoping that maybe all the people in this room can develop a series of recommendations for whomever ends up being our next Governor to kind of oversee this. This is not ideological, this is non-partisan. This is just about making things work.

Let me move to Chairman Aila. I have a bunch of questions for you, a couple of them are rather technical. Should the funding for a loan program be available to eligible Native Hawaiians living throughout the State? Just for the record.

Mr. AILA. [indiscernible]. I think that would be a good thing. The department, given the resources that it holds and the landings that we have, we are not able to address all the concerns. 184A is a [indiscernible] program, it is easily understandable and it is easily complied with.

The only ask that I would ask here is that it be made [indiscernible] and changes to [indiscernible] on the homeland [indiscernible] clear Congressional [indiscernible].

The CHAIRMAN. That is my partner's job.

Okay. You are increasingly using your subcontracting authorities. Talk to me about how that works and how successful it has been.

Mr. AILA. I was [indiscernible]. We hope that there will be more organizations Hawaiian-led that will improve our capacity [indiscernible]. We are still a State agency, people oftentimes forget that. We still have to go through [indiscernible]. So as other groups step up and [indiscernible] we will be more than happy to partner with other groups and similar programs that the department so desperately needs. It is a great partnership. Of course, [indiscernible] say that it is fixed. It is the only way to perform.

The CHAIRMAN. So that brings me to the capacity question. The legislature did something extraordinary this year, hundreds of millions of dollars for Native Hawaiian housing in particular. My question is sort of two parts. One is, do we need to think about capacity-building, not just the ability to subcontract for management, but boy, this is a lot of money to expend and to try to do so responsibly. Given that the real estate market is really hot, to get excellent construction management, people who are real estate experts at a civil service salary is an extraordinary challenge.

I am wondering if you would talk about how you see execution. I don't want you to give me a pat answer. If you are not there yet, I would rather you say, let me get back to you in six weeks, rather than just give me a glib answer. So that is one question.

The other is, how would the big infusion of Federal funds, big infusion of State funds, how do these two funds interact? Do they end up in a pile going to the same purpose? Or are they separate lines of [indiscernible]?

Mr. AILA. The personal question first. We have [indiscernible] utilize positions that [indiscernible] appropriated, starting July 1st we actually get to go out and [indiscernible]. We also are going to take steps to utilize Federal funds to create exempt positions to do exactly that. Folks at the project management level to assist us with construction side, the procurement that is going to be necessary to deal with down payment assistance, mortgage assistance. Because we don't have staff to do that, we don't have the expertise to do that.

So that is something that is [indiscernible] in finance, they didn't give us a green light to go forward with positions that we want to create that on July 1st get funded. Speaking with HUD, we feel comfortable through NAHASDA creating six to eight more posi-

tions to deal with the funds that are coming through the Federal side.

Also, the ability to utilize those Federal funded employees [indiscernible]. It is the best plan that we can have for now. We do appreciate others joining in with us and creating capacity. But two years, three years, is a very short time. So we need the Governor to keep President Biden's [indiscernible] give us that [indiscernible].

The CHAIRMAN. Let me know what you need. Also, I would just add that one of my continuing frustrations, I have not always been totally kind to the department in all instances. But it is because of my passion for these issues. But I do think you are on the right track.

My new frustration, I won't say you are where you need to be, but you are at least on track. My new frustration is that there are people in HUD in particular who have not updated their view of the department's ability to execute. So we need to think together about how to make sure the White House, with the Office of Management and Budget, at the secretary's office at HUD, understands that this is a new DHHL. And whomever is running it in 2023, regardless, you are going to be on a track that puts you in a position for success.

My final question for now is just about density. I have communicated directly with the department about my desire to kind of open up the aperture, certainly in the kind of Indian housing space there are lots of very exciting things happening around density. You know, you have a lot of people on that waiting list who would be perfectly pleased with a rental subsidy or rental apartment or to purchase an apartment.

So I am wondering how you are thinking about the balance between the people who are still on that list, who still want that homestead in Kula or on [indiscernible] versus urban Native Hawaiians who just want some help and are not so particularly about the kind of home, real estate model, or the home type. So I am wondering if you can speak to the next flexibilities. I think it is not just the chairman of the commission, it is the commissioners who may have a view. So I wonder how that is all evolving.

Mr. AILA. Sure, thank you for that question, Senator.

In the past six or seven years, we have maintained the tool kit, if you will, of offerings. So we had [indiscernible] awards, which is basically, think of homesteading in the 1920s. Government gives you a map, here is your [indiscernible], go get them, good luck. We don't have [indiscernible]. We don't [indiscernible] and actually build homes and actually thrive under those conditions.

Then we have subsistence agriculture lots, which we [indiscernible] do so. It removes the requirement for this Congressional two-thirds [indiscernible]. So the idea of making lands available with minimal infrastructure [indiscernible] and allowing people to do what they say they can do.

Then we have [indiscernible] from primary, a turnkey operation to where the turnkey is still available, because some of the folks on the waiting list desire that, but we also offer vacant lots. So a vacant lot is something that I did 30 years ago with my wife. We hired a contractor and did part of the work, we put our [indiscern-

ible] into that house. It is something that I could afford on my salary as a harbor master at that time. That is what we need to do more of.

We recognize that there are beneficiaries who are not in a financial position and will never be in a financial position to own a house. That is where we are doing the rental opportunities. So in [indiscernible] we are acquiring a parcel right across the street for that. There is a tiny little house that is attached to that property. We will acquire it and then put that out for an RFP and [indiscernible] 200-plus more [indiscernible] as well as [indiscernible]. It is $600 million as a guidepost for us, so we are likely to take [indiscernible] housing products then we pull people from the wait list but also provide [indiscernible] rental [indiscernible].

So part of the process that we are going through right now is to [indiscernible] houses and then try to figure out where we get the $600 million to do that, where we take the money that you provided to us to do that. If and when we have excess, then it is our in-revenue [indiscernible] that we can fill those [indiscernible].

That is where we are. Whoever replaces me has a wonderful road map [indiscernible].

The CHAIRMAN. You are not going to [indiscernible]? There are many other departments you can [indiscernible].

[Laughter.]

The CHAIRMAN. You only run two; there are plenty more.

Thank you. I am very familiar with William. The first time we met was when he was the harbor master and I was a 26-year-old legislator. He brought me a picture of a pile of severed shark fins in a Honolulu harbor. That was the first bill that I ever failed to pass, and then the first bill that I ever did pass, working together with Mr. Aila. Thank you for that.

Mr. Lewis, I am really interested in Pop-Up Makeke. I would like you talk a little bit more about it. Then also just a very basic question: what can the Federal Government do to help you to scale? That is number one. And the second question is, is it transitioning into a post-COVID model, and does that mean as people move to brick and mortar, does that mean the numbers are lowering, or is it just a booming economy and therefore it is going well? I am interested in mostly scale, but also how you are doing it.

Mr. LEWIS. Sure. Thank you, Senator. The Pop-Up Makeke was envisioned as just a relief tool initially to help provide stability to struggling businesses. But now fast forward a year and a half, we have over 40,000 customers now who shop on Pop-Up Makeke. We have [indiscernible] that tell us what people want, where they buy it from, what their interests are.

So we have the tools that actually are very valuable to make a business a business. So we have changed the model of Pop-Up Makeke whereas at one time, it was basically, we were doing it for free, using Federal funds to market their products. We are now using our CDFI to now incubate some of these businesses so they can get to a wholesale model, then we buy their products wholesale then we sell it on the Makeke retail.

My goal is to make the Makeke self-sufficient so that it can live on.

The CHAIRMAN. That is great. How is Treasury treating you?

Mr. LEWIS. A mixed program.

[Laughter.]

Mr. LEWIS. They have been good. The challenge with some of these programs is that it goes through three layers of bureaucracy. It goes from the Fed to the State to the county [indiscernible] all three of their interpretations [indiscernible] which is not always easy.

But they have been great. I sit on one of the advisory boards now to help advise. There is a cultural gap in terms of their understanding of what the [indiscernible] is, for example. So when we try to apply [indiscernible] using housing stability funds, they are kind of reserved, they don't understand it, so their answer is no. So it is an educational process. But Treasury has [indiscernible] improved their understanding [indiscernible].

The CHAIRMAN. I am reminded of something somebody told me a long time ago, which is the best social program is a good job. So thank you for what you are doing in this space.

Are there Federal programs that are not currently open to Native Hawaiians? I am going to do this for all three panelists. I will start with Mr. Lewis and go this way. Are there Federal programs that are not currently open to Native Hawaiians that could help? Is there a statute, and statutes are hard, right, [indiscernible] need 10 Republicans. Not impossible, but more challenging. But sometimes, as I have sort of dug into the administration of the law, a lot of the difficulty is not that the law prohibits the participation of Native Hawaiian agencies and individuals and organizations, but rather that there are habits ingrained in the Department of Interior and the Department of Treasury and elsewhere.

So I am wondering if there are any programs that you think Native Hawaiians should be eligible for that they are currently not eligible for?

Mr. LEWIS. Thanks, Senator. I will take the opportunity to highlight a program that I think would be very beneficial to Native Hawaiians. It was actually a year ago, after the [indiscernible], but I think an amazing opportunity within that for Hawaiians to take advantage of that. Because [indiscernible] is the backbone employee, it is the [indiscernible] employee. We have to get into that economy in a meaningful way, we have to tell our own stories.

I had lunch a while ago with the head of the Hawaii Visitors Bureau. We sat at the Pacifica, just [indiscernible] at one time they didn't allow Hawaiians to have membership there. Well, we had lunch there, and again, I said, let's get lunch, he wanted lunch. So I told him, John, take a good look around this restaurant, the dining room [indiscernible]. I said, are there any Hawaiians here? Why [indiscernible]? I said, John, they are back in the kitchen or they are cleaning. So I thought [indiscernible] Hawaiians given a chance to be in this economy alongside all of you.

So I think there is real opportunity with this Native [indiscernible] for Hawaiians to force themselves into this industry in which we can see [indiscernible] business development, where we can train our people into these key positions that help drive the economy.

More resources on that would be useful, so we can compete against the stakeholders [indiscernible]. Right now, the resources

that are available are finite, and we are competing with people who have deep roots in the industry. So I would love [indiscernible], I think there is amazing opportunity there and [indiscernible] on being more deliberate and getting there.

As far as other programs where Native Hawaiians are not included, the reality right now, Senator, is that there are a lot of resources we can pursue that I don't think we are fully taking advantage of. We need to build up the capacity of our [indiscernible], our non-profits, so they can seek out the current funding that is already available. That's the challenge, they all [indiscernible] help write grants, we need to train more people to help them build up their capacity.

I don't know of any specific program that at this time does [indiscernible] resource.

The CHAIRMAN. Mr. Aila?

Mr. AILA. One [indiscernible] of course is the USDA [indiscernible] Water program. If we could [indiscernible] have a much better relationship with the county water system [indiscernible] works. So being able to partner with the counties, because they will provide revenue with which to pay back the loan, which is basically a [indiscernible] grant from USDA. We can't do that, because we don't know to fund any more water [indiscernible] water programs that we already do.

So that would be first in mind, because the limiting factors for the department to develop is often being able to get water credits [indiscernible]. So that comes immediately to mind. That is being eligible for Fish and Wildlife grants, especially when it comes to wildlife protection, [indiscernible] prevention, some grants around [indiscernible] climate change. Even in [indiscernible] that is unheard of in [indiscernible].

So we need to be able to manage parlance, and what we are seeing, also having access to coastal [indiscernible]. Before I forget, because we may be wrapping up shortly, I just want to be sure [indiscernible] tell you to make sure you vote [indiscernible].

[Laughter.]

The CHAIRMAN. I am waiting until it gets a little smaller.

[Laughter.]

The CHAIRMAN. Chair Lindsey.

Ms. LINDSEY. Being in a policy making position, I depend more on operations to share with me where we can get some help from the Federal Government. But thanks to you, since you have been Chair, we have gotten more than we ever have before. I would like for myself to get back to you with recommendations on [indiscernible] how you can be more helpful to us. We spoke to your staff the other day and asked if we could be more open to grants, applying to grants [indiscernible].

The CHAIRMAN. Thank you. I will [indiscernible] questions to you, Chair, for the record. The first is the request that the [indiscernible] land management by State government under the 1959 Admissions Act. I was talking briefly with my staff director about that, [indiscernible] I want to make sure you can do this, but this may be something we can work on. I would also want to pay particular attention to how do we do this in a way that is perceived as objective and is objective. Those are two different things but

they are both equally important, because if an analysis comes out and State government disagrees with some of the findings, then we are going to be back where we started. So thinking about how very much matters if we are ever going to pursue the resources.

The other thing I would like to ask all of you for the record is just about capacity. Because we are in an age, and I don't know how long it will last, but we are certainly in a period where you are receiving more Federal funds than usual. I think planning for how to execute on that and how to keep the money flowing and how to understand where in each agency there are notices of funding opportunities. I know how it was when I was running a nonprofit. It is one thing to see a grant possibility on a piece of paper or on something dot gov website. But they you have to figure out how to write the thing.

So organizational capacity building, pursuing and then executing on Federal funds is something I would like to submit to you, to all of you, as questions for the record.

I really want to thank you for everything that you have done, first of all, but I also want to thank you for a really constructive panel. I was hoping it would go this way, which is to say, that we have a lot of follow-up homework. Let this be a continuation of our conversation and not a culmination of our work, but just an agreement that okay, now we have five or ten lines of effort in each of your organizations to work on with staff.

So there is a lot more to do together, but I am as hopeful as I have ever been about possibilities. I want to extend a warm welcome and aloha to our witnesses. The hearing record will remain open and I may submit some additional questions for the record.

We will now excuse our first panel. We will take a five-minute break as our next panelists get situated.

[Recess.]

The CHAIRMAN. We will reconvene with this hearing of the Committee on Indian Affairs for our second panel. We really pleased to have some extraordinary leaders talking with the Committee and staff about the work that is being done primarily in Native Hawaiian education and health.

First, we have Dr. Sheri-Ann Daniels, Executive Director of Papa Ola Lōkahi. We also are pleased to have Dr. Winona Kaalouahi Lee, M.D., Associate Chair of Medical Education at the Department of Native Hawaiian Health at the John A. Burns School of Medicine, at the University of Hawaii at Manoa, and Dr. Elena Farden, the Executive Director of the Native Hawaiian Education Council.

I will remind our witnesses that your full written testimony will be made part of the official hearing record. We would like you to talk anywhere between five and ten minutes for your testimony.

Dr. Daniels, please proceed with your testimony.

STATEMENT OF SHERI–ANN DANIELS, ED.D., CHIEF EXECUTIVE OFFICER, PAPA OLA LŌKAHI

Dr. DANIELS. Mahalo, thank you again for inviting us to share on behalf of Papa Ola Lōkahi. Chair Schatz, mahalo, as well as Vice Chair Murkowski, who is on video.

Our commitment and your commitment to bring us to the table is deeply appreciated. I know the other earlier testifiers also share

that sentiment. In the spirit of the Committee's legacy of strong bipartisanship in honoring the Federal trust responsibility owed to American Indians, Alaska Natives, and Native Hawaiians, we want to thank you all for contributing to today's field hearing.

For those of you who don't know, Papa Ola Lōkahi was created in 1988 with the premise of improving the health status of Native Hawaiians through the passage of the Native Hawaiian Health Act, later reauthorized as the Native Hawaiian Health Care Improvement Act.

The language of the NHHCIA established a network of health resources, services, and infrastructure for Native Hawaiians through five Native Hawaiian health centers and systems, as well as the Native Hawaiian Health Scholarship Program under the coordination and oversight of POL. Our mandates include support and coordination of related health services for Native Hawaiians. We are grateful for the support of partners across the State, Native Hawaiian organizations and communities who trust POL with their work.

Chairman Schatz, thank you again for your work and commitment to improving Native Hawaiian health and to honoring the Federal trust responsibility owed to Native Hawaiians. Your efforts to secure pandemic relief and support for Native Hawaiian health in the American Rescue Plan Act of 2021, which we affectionately call ARPA, and other COVID–19 legislation have bolstered access to services for all Native Hawaiians across the State. After the grant period finishes in July 2023, we look forward to sharing the stories and data that underscore the critical need for further robust investments in Native Hawaiian health.

POL also acknowledges your work in other fields that affect health resource access, community safety, and overall wellbeing of Native Hawaiians and Hawaii residents alike. Your specific attention to the social determinants of health and the factors that facilitate health care delivery, accessibility, and utilization, such as increasing broadband coverage throughout the State, which ties to tele-health services, is needed to address the systemic issues in health care.

Today, we share the successes made possible by not only your work but that of your colleagues that fulfills the mandates of the Native Hawaiian Health Care Improvement Act and addresses the needs exacerbated or created during the pandemic. In addition, we identify barriers to fulfilling our mandates and ways that Federal legislation can continue to uplift Native Hawaiian health.

The Federal trust responsibility extends to all Native Hawaiians, an estimated population of over 300,000 Native Hawaiians who reside in the State of Hawaii alone. The Native Hawaiian trust responsibility must be legislated with clarity so that it is understood and implemented in ways that ensure Native Hawaiians receive equitable opportunities as indigenous peoples with a trust obligation.

I would like to share briefly the work POL has been doing that would not have been possible without the work of Congress continuing to honor that trust responsibility. During the pandemic, our staff did everything from writing grants to showing up at vaccination and pop-up clinics to help talk to and engage with commu-

nity organizations and especially our Native Hawaiians and asking them what they needed.

Our pivot to digital work has produced dozens of webinars to continue providing health resources and information. In 2022 so far, our social media has reached over 150,000 people. This is Facebook analytics alone, and that is huge that we are able to track that. We have also shifted health assessments and [indiscernible] using the in-person to help guide our decisions and what we see as benefits for Native Hawaiian health. This week alone our staff is supporting virtual listening sessions for communities to discuss elder care needs around Alzheimer's and dementia. Generally speaking, the work POL does is in culmination of our Federal mandates as well as community feedback.

While we continued to do the COVID–19 work, we were also nonstop doing the other functions of Papa Ola Lōkahi in our pursuit of uplifting Native Hawaiian health. That is seen in our growth. POL, over the last two years, has grown to over 30 staff and to six different departments. We processed and applied for over $2 million in Federal, State, county and private funding alone. And this is just in our wheelhouse. We also oversee the additional $20 million in ARPA as well as our $20 million that comes into [indiscernible].

Under these funds, we were able to uplift a health workforce as well as partner with academic institutions around a health leadership certificate. I believe [indiscernible] talked about workforce, and that was something we identified.

The pandemic was in 2020 immediately concerning for POL. Native Hawaiians are in this perfect circle of risk when it comes to COVID–19. There are disparities and chronic diseases, such as diabetes, cancer, heart disease and obesity. We are also talking about social determinants risks, housing, economics. All of those things already impacted our Native Hawaiians and were over-represented in [indiscernible] shelter population, our [indiscernible], our service industry, our employment.

So there is seemingly [indiscernible] not just in the way people contracted COVID–19 and their clinical needs, but also all the additional impacts around economic, were they going to be employed, were they able to provide a roof over their head. Because of this context in which we live and work in, we recently worked on a report about data just [indiscernible]. Native Hawaiian data will be difficult to find and access.

Fortunately, we weren't alone in thinking about this with our [indiscernible]. By June 2020, we actually started supporting and providing all the administration for the Native Hawaiian and Pacific Islander COVID–19 Response, Recovery and Resilience Team, affectionately known as NHPI 3R. With over 60 partner organizations, both Native Hawaiian and Pacific Islanders, we successfully supported dozens of testing and vaccination events, worked with our department of health to improve COVID–19 data for Native Hawaiians and Pacific Islanders. We are the only State that actually does aggregate data [indiscernible] from the overall data of COVID–19.

In the [indiscernible] of COVID–19 relief dollars must pass through Congress this omission [indiscernible] team received no

funding. The power of partnership is real. That is what [indiscernible] results.

I want to make sure I give time for my other colleagues but I think people want to know where are the funds going. You have all these ARPA dollars, where do they go? We are constantly in partnership with various organizations, doing the work.

I think sometimes we forget that there are such nuances to what funding can be used for. So with COVID–19, it was direct clinical COVID–19 services, indirect such as outreach, education, survey, [indiscernible]. And increasing or maintaining resources needed to expand the workforce.

In addition, we uplifted 20 organizations outside of our bubble. This was huge because when an article was signed in March, we actually didn't get notification until August. Once we got notification, we were able to implement, but we didn't execute contracts because funds weren't received until October. So we are talking five to six months.

So for us, that concern that it raised was it was erosion of community trust in POL, and we did waiver, because we knew that this was something that our community needed. So POL's largest portion of the ARPA dollars of what we got, $3.5 million was distributed to 15 partners, 20 organizations total. It wasn't just about giving money. It is about creating a collaboration, a whole work source, that we could help them build capacity, which you also heard on the first panel, it is very important.

In addition, the Na Makawai partners' work in COVID–19, they overlap [indiscernible] existing needs [indiscernible] in our community. They will include sustaining primary health care, increasing mental and behavioral services, rural health youth program, food insecurity and access programs, as well as maternal and child services. This pandemic has driven so much attention to virtual health. But those delivery systems are not accessible for Native Hawaiians that live in rural areas.

So these funds, ARPA, through [indiscernible] includes a whole partnership for our broad infrastructure mapping project. So again, health isn't just chronic conditions. We are showing that health expands beyond that, and we recognize that there is so much more we can do.

Again, thank you.

[The prepared statement of Ms. Daniels follows:]

PREPARED STATEMENT OF SHERI-ANN DANIELS, ED.D., CHIEF EXECUTIVE OFFICER, PAPA OLA LŌKAHI

Aloha e Chairman Schatz, Vice Chairman Murkowski, and the Members of the U.S. Senate Committee on Indian Affairs ("Committee"),

Mahalo (Thank you) for inviting me to provide remarks on behalf of Papa Ola Lokahi (POL) and Native Hawaiian health during this field hearing. Your commitment to bringing the table to us is deeply appreciated. In the spirit of the Committee's legacy of strong bipartisanship in honoring the federal trust responsibility owed to American Indians, Alaska Natives, and Native Hawaiians, we want to thank all who have come or contributed to today's field hearing.

POL was created in 1988 to improve the health status of Native Hawaiians through the passage of the Native Hawaiian Health Act, later reauthorized as the NHHCIA. The language of the NHHCIA established a network of health resources, services, and infrastructure for Native Hawaiians through five health service providers, the Native Hawaiian Health Care Systems, and the Native Hawaiian Health Scholarship Program under the coordination and oversight of POL. Mandates for

POL include support and coordination of related health services for Native Hawaiians. We are grateful for the support of partners across the State, Native Hawaiian serving organizations (NHOs), and communities who trust POL to support their work.

Chairman Schatz, thank you for your work and commitment to improving Native Hawaiian health and to honoring the federal trust responsibility owed to Native Hawaiians. Your efforts to secure pandemic relief and support for Native Hawaiian health in the American Rescue Plan Act of 2021 (ARPA) and other COVID–19 legislation have bolstered access to services for all Native Hawaiians across the State, and after the grant period finishes in 2023, we look forward to sharing the stories and data that underscore the critical need for further robust investments to improve Native Hawaiian health.

POL also acknowledges your work in other fields that affect health resource access, community safety, and overall well-being of Native Hawaiians and Hawai'i residents alike. Your specific attention to the social determinants of health and the factors that facilitate health care delivery, accessibility, and utilization—such as increasing broadband coverage throughout the State—is needed to address the systemic issues in health care. Today, we share the successes made possible by your work that fulfill the mandates of the NHHCIA and address the needs exacerbated or created during the pandemic. In addition, we identify barriers to fulfilling our mandates and ways that federal legislation can continue to uplift Native Hawaiian health.

Background

The Federal Trust Responsibility

Similar to American Indians and Alaska Natives, Native Hawaiians have never relinquished the right to self determination despite the United States' involvement in the illegal overthrow of Queen Lili'uokalani in 1893 and the dismantling of our Hawaiian government. As such, Native Hawaiians are owed the same trust responsibility as all Native groups in the United States. To meet this obligation, Congress—often through landmark, bipartisan work of this Committee and its Members—has created policies to promote education, health, housing, and a variety of other federal programs that build, maintain, and enhance resources for Native Hawaiians.

Over 150 Acts of Congress expressly acknowledged or recognized a special political and trust relationship to Native Hawaiians based on our status as the Indigenous, once-sovereign people of Hawai'i. Among these laws are the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) (1921), the Native Hawaiian Education Act (20 U.S.C. § 7511) (1988), the Native Hawaiian Health Care Improvement Act (42 U.S.C. § 11701) (1988), and the Hawaiian Homelands Homeownership Act codified in the Native American Housing Assistance and Self Determination Act, Title VIII (25 U.S.C. § 4221) (2000).

Honoring the Trust Responsibility by Supporting Native Hawaiian Health

The federal trust responsibility extends to all Native Hawaiians—an estimated population of over 300,000 in the State of Hawai'i alone.[1] POL asks Congress to include Native Hawaiians in federal legislation and programs intended to serve all Native Americans based on the federal trust responsibility. Native Hawaiian inclusion must be clearly defined in statute so that the trust responsibility is understood and implemented in ways that ensure Native Hawaiians receive equitable opportunities as indigenous peoples with a trust obligation.

We urge Congress to make legislation specific to Native Hawaiian health because without such language, implementation that honors the trust responsibility is subject to interpretation. When the trust responsibility for Native Hawaiians is decided in this manner, it becomes difficult to ascertain whether Native Hawaiian communities receive equitable access to opportunities or benefit from funding as intended. A variety of federal health grants continue to aggregate Native Hawaiians with with Asian Americans and Pacific Islanders, subsume Native Hawaiians as a special population within state programs and block grants, or simply fail to incorporate Native Hawaiians. Such implementation is a fundamental misunderstanding of the federal trust responsibility and Native Hawaiians as a special political group with specific eligibility for federal programs.

For example, Native Hawaiians are disproportionately impacted by sexual violence—including child sexual abuse, sex trafficking, and domestic abuse. We need

[1] U.S. Census Bureau. (2019). 2020 American Community Survey 5–Year Estimates Detailed Tables. Retrieved from *https://data.census.gov/cedsci/table?q=b02019&g=0400000US15&tid=ACSDT5Y2020.B02019*

to break the cycle of violence—which is a result of historical trauma—that harms Native Hawaiian families. There is a problem with the Violence Against Women Act. Tribal nonprofit organizations and Native Hawaiian nonprofit organizations are both eligible for VAWA grants to provide services benefitting Indian and Alaskan Native women but not Native Hawaiians. Native Hawaiian grant eligibility that does not reach Native Hawaiian communities creates confusion and does not fulfill the trust responsibility to Native Hawaiians, and we ask Congress to support the amendments needed to correct legislation intended to be inclusive.

Funding & Program Access

The federal context of Native Hawaiian health today is a combination of limited direct funding that faces various administrative challenges and a structurally inequitable competitive grant system. To carry out Congressional mandates, POL both advocates for increased direct funding to Native Hawaiian health and equity for NHOs pursuing health funding. POL remains of the opinion that Native health should have multiple, stable vehicles of non-competitive funding as part of the federal trust responsibility. POL asks Congress to continue supporting Native Hawaiian health to the extent possible through clear and specific legislation. Native Hawaiian health cannot be legislated into competition with general population needs or Tribal health, not only because those needs have vastly different context, but also because the trust responsibility owed to Native Hawaiian health is not optional. Equity for all Native health efforts must be uplifted, as all Native health falls under federal trust obligation.

Statutory specificity is one way to ensure that the trust responsibility is not diluted in implementation. The success of specific Native Hawaiian health inclusion was exemplified in COVID–19 relief through ARPA. Without this inclusion, NHOs would have the same access to federal resources as the general public, which dismisses the trust responsibility towards Native Hawaiian health. Today, it is not clear what sources of federal funds have reached NHOs both regarding pandemic relief or health resources and programs in general, which prevents POL from gaining insights to guide its future work to carry out Congressional mandates or make data-informed decisions. POL continues to pursue data governance, access, and disaggregation improvements regarding federal, state, and local Native Hawaiian health data.

COVID–19 Pandemic Response

POL Partnerships and Grants. The establishment of POL as a non-profit organization allows eligibility to pursue federal, State, county, and private sources of funding. Since the first shutdown in the State of Hawai'i in March 2020, POL (both alone and in partnership with community organizations) has successfully applied for or acted as fiscal agent for over $2 million dollars throughout various grants. These grant funds are in addition to the roughly $3.5 million of ARPA funds that POL is funneling to community organizations. POL is committed to pursuing its mandates and mission through multiple funding mechanisms to expand opportunities for Native Hawaiian health. POL has also engaged its Congressional duties by providing the administration for the Hawai'i COVID–19 Native Hawaiian & Pacific Islander Response, Recovery, and Resilience (NHPI 3R) Team, a coalition of over 60 partners that have engaged on behalf of communities throughout the State of Hawai'i, from June 2020 to present.

Nā Makawai. Nā Makawai is the name of the initiative that encompasses the work of the five NHHCS, POL, and fifteen Native Hawaiian serving health entities (20 organizations in total) that have received ARPA funding to provide COVID–19 response and recovery services and resources throughout the State of Hawai'i. ARPA funding is ongoing over the course of a two-year grant period through the Health Resources & Services Administration (HRSA). The first year of funding for ARPA began retroactively on August 1st 2021, and ends on July 31st, 2022. The Notice of Award regarding ARPA funding—a grant document that signals funding has been awarded, because POL was required to submit a grant application for ARPA funds—was received on August 13, 2021, about five months after ARPA was signed into law. Community partners began receiving funding in August and September of 2021.

Notably, ARPA language allowed for funds to be applied towards health workforce, infrastructure, and community outreach and education—critical components of Native Hawaiian health. Given the annual appropriations for federal fiscal years 2021 and 2022 ($20.5 and $22 million, respectively), a $20 million increase in funding across a two-year span increases the total funding to the NHHCIA by approximately half. The full impact has yet to be realized, as funding will be expended through 2023. As of May 2022, POL has expended approximately $1.5 million of

ARPA funding to support statewide community partners through the Nā Makawai initiative. The thoughtful flexibility and inclusivity of ARPA language and approved activities through HRSA allowed POL to partner with local organizations across a wide range of programs and services throughout the State of Hawai'i, which includes:

- direct clinical COVID–19 services (vaccination and testing, mobile care, and mobile events);
- indirect COVID–19 services (outreach, education, and surveillance; statewide referral hotline for various resources); and
- increasing or maintaining resources needed to expand COVID–19 response (workforce, including community health workers; telehealth capacity and electronic medical records).

In addition, the Nā Makawai partners work in COVID–19 relief needs overlap with preexisting needs in the Native Hawaiian community. These include: sustaining comprehensive primary health care; mental/behavioral health; a rural youth program; food insecurity and access programs; and maternal/child care. POL also seeks to connect with health factors that impact clinical needs, so Nā Makawai partnerships have also supported a broadband infrastructure mapping project so that future telehealth projects and programs that rely on broadband accessibility can be informed by and based on high quality, locally collected data.

Implementation Challenges. International supply chain issues continue to slow the implementation and execution of relief efforts. One of the most highly anticipated approved purchases, mobile health units, has an estimated delivery of at or over 12 months. Mobile health units are are particularly valuable in rural areas of the State to buffer geographic maldistribution of health resources and services, and there is no readily accessible short-term, temporary workaround to replace the utility and functional gains that mobile health units provide.

Community partners and State data have continued to report COVID–19 cases rising, which creates system-wide stress. As both the Native Hawaiian community and health workforce experience continued COVID–19 impact, POL urges Congress to continue responding to pandemic needs in the Native Hawaiian community.

Administrative Challenges. POL first engaged with HRSA as ARPA was about to be signed in March 2021 to request immediate engagement, as this was the first direct COVID–19 Native Hawaiian health funding bolus during the pandemic. POL and the NHHCSs agreed that the fastest, most responsive way to address COVID–19 needs for Native Hawaiians was to funnel the appropriation through POL, so that the NHHCSs could focus on on-the-ground activities and for flexibility, as pandemic needs fluctuated in range and intensity. To much dismay, HRSA interpretation of ARPA language, which was attributed to the Office of General Counsel of the Department of Health and Human Services (HHS OGC), required POL to distribute these emergency funds among POL and the NHHCSs, not allowing for the mobility envisioned, despite proactive signaling.

POL was also informed that the NHHCIA matching requirement for the NHHCSs would be applied. POL explained, in meetings and in writing, concern about the interpretation that NHHCIA requirements preempted emergency relief, which seemed counterproductive. HRSA did not provide further comments or a connection to HHS OCG for clarification, instead focusing on requesting that POL provide a waiver letter regarding the matching requirement. POL, in its letter, reiterated concerns that this precedent would affect timeliness. No follow-up was provided.

Despite repeated outreach to HRSA due to community and delegation inquiries in April and May of 2021, and POL's concerns about timeliness, the non-competitive grant application was not published until June. Funding did not become accessible until August. In communications, HRSA responded to POL on May 11th, 2021, with the following explanation:

> "The money is all from the same source—the American Rescue Plan—but the different groups (e.g., CHCs, look-alikes, Primary Care Associations, etc.) have different submission and reporting requirements and in some cases different allowable uses for the money—so we cannot use one mechanism to release it all. So here at HRSA we've had to prepare the different mechanisms to release the money to the various groups, and in many of the cases it requires us to revise electronic systems to be able to capture the information being submitted. These ARP funds have different reporting requirements as well—not only for the award recipients but for HRSA as well—so we need to make sure we have figured out all of the pieces before we release the funding. We have many expedited processes in place to get this funding out as fast as possible, which seem

to be working because this ARP funding is going out much faster than our "regular" funding."

In stark comparison, HRSA notifications and technical assistance work regarding ARPA components that applied to the Federally Qualified Health Centers (FQHCs) began as early as March 2021. POL's understanding is that FQHCs were able to access ARPA funding as early as April, four months before ARPA funds were released for Native Hawaiian health. POL is cognizant that other HRSA mechanisms may have been more readily adaptable, as FQHCs and other entities had been eligible for prior COVID–19 relief. In the meantime, POL focused on everything under its own control such as preparing to act swiftly once the funding opportunity application was opened and to operationalize once funding was released.

Federal Medical Assistance Percentage. POL's lack of contacts in the Centers for Medicare and Medicaid (CMS) was a barrier in implementation of ARPA Section 9815 regarding 100 percent Federal Medical Assistance Percentage eligibility for eight fiscal quarters, which started in April 2021 but has yet to begin processing. The work of Senator Schatz to inquire with CMS was deeply appreciated, and POL identifies that this barrier is part of greater administrative challenges facing Native Hawaiian health in general. POL urges the Committee to make a permanent extension to the APRA provision for Native Hawaiian health.

Sustainability. The partnerships created through Nā Makawai demonstrate how an emergency funding bolus can catalyze increased coordination and network building in Native Hawaiian health, but also indicate the level of funding that POL would be able to distribute in NHHCIA annual appropriations to facilitate a stronger network of Native Hawaiian health. POL was able to extend funds to a handful of community organizations and partners who address some of the most immediate vulnerabilities—i.e., the most high need domains of health, geographic areas, or contextual factors that had serious inequities prior to COVID–19 and were exacerbated during 2020 and 2021. As COVID–19 data in the State of Hawai'i indicate that Native Hawaiian disparities are increasing, POL seeks pathways to remain responsive to pandemic needs.

Ongoing Native Hawaiian Health Needs

Although the pandemic has created acute health issues, it has also exacerbated many of the standing system-wide gaps in Native Hawaiian health. These needs, while particularly salient during COVID–19, must become features rather than temporary additions so that Native Hawaiian health is ingrained as a function and not an option. POL urges Congress to examine these needs and address them through legislation wherever possible.

Increased Access to Relevant Agencies. POL finds its Congressional mandate to coordinate and support health services and resources implies connections with all of the operating divisions within the Department of Health and Human Resources, but lacks specific program inclusion or connection to any of the operating divisions besides HRSA. This lack of connectivity creates barriers for POL to advance Native Hawaiian health or implement Congressional successes through direct connection with agencies because HRSA does not administer any other federal programs based on the trust responsibility owed to Native Americans. POL is thus dependent on HRSA to facilitate interagency relations on POL's behalf to carry out coordination efforts. During the pandemic, POL identified the need to have contacts in all relevant agencies.

Recent increase in Native Hawaiian listening sessions and interactions with the Administration is a promising step forward, and we urge this Committee to support a formal engagement process between Native Hawaiians and the federal Departments that administer Native Hawaiian programs so that challenges can be addressed.

Competitive Grants Dilute of Native Hawaiian Trust Responsibility. Simply put: NHO eligibility for federal grant opportunities is nearly always the same as that afforded to the general public, which is dismissive of the trust obligation. Opportunities distributed across multiple divisions and offices in multiple Departments make it difficult to understand what is available and where, putting NHOs at a disadvantage from the start. The competitive grant process is biased towards applications written by experienced grantwriters—which does not indicate community access or support with consistency. The limited resources of NHOs also makes it impossible for NHOs to place resources toward an intensive grant writing process. As Native Hawaiians are less than 1 percent of the U.S. population, NHO applications in open competitive grants face an immediately disadvantage when large service populations are a desired metric. Thus by design, the system automatically promotes inequity.

Improving Federal Health Data—Governance and Access. Part of the NHHCIA mandates POL to act as a data clearinghouse for Native Hawaiian health, a func-

tion that is difficult to achieve without statutory requirements for the entities that create or compile said data. The current NHHCIA does not mandate that federal departments disclose health data to POL, and the standing federal requirements for race/ethnicity data disaggregation are insufficient to identify Native Hawaiian data reliably and accurately in datasets. This system leads to Native Hawaiian health research facing barriers to federal health data. We urge Congress to develop legislative solutions so that Native Hawaiian health data are disaggregated and accessible.

Without changes in governance, POL is left to attempt pursuing independent data use agreements with the various relevant federal, state, and private data sources. Efforts to do this can be both time and cost intensive, and do not guarantee that a data use agreement will be established. Given that uncertainty of investment, POL has examined what other pathways to improve data governance, access, and disaggregation for Native Hawaiian health exist; work during the pandemic has included participating in local partnerships that successfully led to the disaggregation of COVID–19 data in the State of Hawai'i. POL has also focused on supporting the creation of local Native Hawaiian health data sets and projects, built in partnership with stakeholders and community members. This work includes:

1. Developing a report on State sources of data that pertain to Native Hawaiian health and address modern data needs like race/ethnicity disaggregation, lack of uniformity in data collection, and lack of data access—*Data Justice: About Us, By Us, For Us*

2. Publishing the E Ola Mau a Mau report, which builds on the original E Ola Mau health report and includes data governance needs;

3. Collecting data on a variety of health topics through an iterative survey, Ka Leo Kaiaulu; and

4. Submitting responses to federal feedback mechanisms that detail needs in the quality and availability of Native Hawaiian health data, such as revision of the Office of Management and Budget (OMB) Directive 15, revisions to the Native Hawaiian Health Care Systems requirements to the Uniform Data System, and the need for Census Bureau products and data that address race/ethnicity at sub-county geographies.

Data is critical in health for myriad reasons and goals. Improvements in disaggregation and access to Native Hawaiian health data require work on multiple fronts, including policy, to make informed decisions in health.

Increased Direct & Inclusive Formula Funding. The NHHCIA appropriation distributed among POL, the five NHHCSs, and the NHHSP is the only vehicle through which the Native Hawaiian Health Care Program receives direct funding and one of the only stable programs to support Native Hawaiian health. Based on the continuing health disparities and challenges facing the Native Hawaiian community, POL urges the Committee to examine other direct funding inclusions for Native Hawaiian health across various domains of clinical care as well as in health infrastructure needs, including but not limited to:

- Mental and behavioral health;
- Chronic diseases such as diabetes, cancer, and heart disease;
- Substance abuse and misuse;
- Suicide prevention, especially for youth;
- Elder care, including programs that support aging in place, facilities needs for assisted living and long-term care, and caregiver resources;
- Maternal and infant health; and
- Sexual violence, including child sexual abuse, sex trafficking, and domestic violence.

POL also urges the Committee to examine how support for traditional healing practices can be uplifted, as these services are not typically included in medical insurance coverage, as well as workforce development, as many Native Hawaiians express a need for culturally sensitive programs that utilize an integrated approach that combines traditional healing and modern health that are administered by Native Hawaiian health professionals.

Native Hawaiian health remains excluded or disadvantaged from majority of programs, funding, or opportunities from any operating division of the U.S. Department of Health and Human Services and U.S. Department of Justice (e.g. direct funding, set-asides, block grants, specific eligibility in competitive grants). This reflects the struggles in Native health and related programs to address the social determinants of health overall, as the Indian Health Service (IHS) also remains underserved, un-

derscoring that Indigenous health overall must be prioritized by Congress and the Administration to protect Native communities and uplift Native wellbeing.

POL continues to carry forward its mandates and mission, looking to uplift the status of Native Hawaiian health to the highest extent. We urge Congress to examine how some of these issues may be addressed through legislation, and we continue to seek solutions on multiple fronts. We stand ready to do our part to be an active, accountable partner in Native Hawaiian health, and we appreciate the continued work of Congress to do the same. Mahalo nui for the invitation to discuss Native Hawaiian health and the trust responsibility. We look forward to working together.

The CHAIRMAN. Thank you so much, Dr. Daniels.

We will now hear from Dr. Lee. Please proceed with your testimony.

STATEMENT OF WINONA KAALOUAHI LEE, M.D., ASSOCIATE CHAIR, MEDICAL EDUCATION, DEPARTMENT OF NATIVE HAWAIIAN HEALTH, JOHN A. BURNS SCHOOL OF MEDICINE, UNIVERSITY OF HAWAI'I

Dr. LEE. Aloha mai e, honorable Chair Schatz and Vice-Chair Murkowski and distinguished Committee members. Mahalo nui for the opportunity to present this joint testimony on behalf of myself and Dr. Joseph Keawe'aimoku Kaholokula, Professor and Chair of the Department of Native Hawaiian Health at the John A. Burns School of Medicine. Dr. Kaholokula sends his regrets, he is out of town.

I am Dr. Winona Kaalouahi Lee. I am a Native Hawaiian pediatrician and medical educator. I oversee [indiscernible] programs at the School of Medicine to help Native Hawaiian and other [indiscernible] and disadvantaged students achieve their dreams of becoming physicians.

This testimony addresses the fiduciary obligation of the United States in fulfilling its trust responsibility to Native Hawaiians, an obligation codified in Federal law. This Federal trust responsibility is exemplified in the Hawaiian Homes Commission Act of 1920 and the Native Hawaiian Education and the Native Hawaiian Health Care Acts of 1988.

Native Hawaiians were once a thriving and healthy people, with a sophisticated sociopolitical system and a rich cultural tradition. Following Western contact, Native Hawaiians were decimated by novel diseases, forced to abandon their native language, customs, and beliefs. Today, Native Hawaiians face higher rates of diseases, including diabetes, obesity, hypertension. Native Hawaiians also have higher rates of mental health conditions, such as substance abuse, depression, suicide. Over the past two years, the COVID–19 pandemic amplified these health disparities.

Access to quality and [indiscernible] healthcare for Native Hawaiians is challenging in part due to the severe physician shortage we face here in Hawaii, as well as the underrepresentation of Native Hawaiians in medicine [indiscernible]. Native Hawaiians make up only 4.5 percent of the physician workforce, while comprising 21 percent of our general population.

Native Hawaiians are also severely underrepresented in health sciences and health-related research. Between 1992 and 2018, approximately 2 percent of all National Institute of Health funding was directed toward Asian American, Native Hawaiian and Pacific Islander research. In 2020, 25 NIH research grants were awarded

to NHPI investigators, compared to 28,587 awarded to White investigators.

Pursuing a competitive academic [indiscernible] career is often daunting for Native Hawaiian investigators because of racial and ethnic discrimination biases [indiscernible] and [indiscernible] and a lack of [indiscernible] mentorship. Despite these sobering statistics Native Hawaiian professionals in communities continue to persevere. They work hard to care for their [indiscernible] communities and they contribute substantially to the greater good while sustaining the legacy of our [indiscernible] and ancestors.

We present the summary of our recommendations [indiscernible] evidenced within the literature, and our collective experiences as Native Hawaiian clinicians, researchers, educators, and community advocates.

Native Hawaiian and Pacific Islanders should not be combined with Asian Americans or any other racial/ethnic group under a single project or program because of differences in health status and the diverse social and cultural determinants of health that impact these ethnic groups. Native Hawaiian and Pacific Islanders must have their own line of funding and their own programs to address unique health concerns, our historical context, and our cultural relevance.

Native Hawaiian representation and consultation should be required at the design, implementation and oversight of federally supported programs aimed at [indiscernible] Native Hawaiian [indiscernible]. Increased Federal funding is needed to support community-based programs whose foundation is strengthened by cultural perspectives and practices. A vast majority of Native Hawaiians identify with their heritage. Maintaining [indiscernible] and practices promotes psychological wellbeing.

Some of our successes at the John A. Burns School of Medicine include the PILI Lifestyle Program to address obesity, the Partners in Care Diabetes Self-Management Program, and Ola Hou I ka Hula, restoring life through hula, Program. We recommend broad dissemination of these types of programs implemented in real-world settings, such as federally qualified community health centers and the Native Hawaiian Health Care Systems as well as other community-based organizations.

Federal funding should be used to expand and strengthen culturally responsive and strengths-based pathway programs for Native Hawaiian students who want to enter the health professions. These pathway programs must be implemented starting in high school and continuing at the undergraduate and post-baccalaureate levels.

The ʻImi Hoʻola Post-Baccalaureate Program and the Native Hawaiian Center of Excellence which I oversee are longstanding programs that can be modified to create educational models and undergraduate [indiscernible] schools through the State.

Recipients of the Native Hawaiian Health Scholarship are also being unfairly taxed for their professional school tuition by the Health Resources Services Administration. The [indiscernible] as additional taxes imposed on tuition can be as high as $10,000 annually for these scholarship recipients [indiscernible].

Our final recommendation is that Federal funding to increase access to the [indiscernible] health services in rural and primary care settings must be [indiscernible]. Psychologists should also be included in the "incident to" language in Medicare to allow reimbursement for services provided by graduate trainees under the direct supervision of psychologists. This is similar to physician training under residents. This will allow for sustainable training opportunities for clinical psychologists.

In summary, we ask that increased Federal funding be used to support pathway programs for aspiring Native Hawaiian health care professionals, targeted funding for research only [indiscernible] and increased support for the implementation of culturally responsive community health promotion programs and [indiscernible] health interventions for Native Hawaiians.

Mahalo nui for the opportunity to provide testimony. I would be happy to answer questions.

[The prepared statement of Dr. Lee follows:]

PREPARED STATEMENT OF WINONA KAALOUAHI LEE, M.D., ASSOCIATE CHAIR, MEDICAL EDUCATION, DEPARTMENT OF NATIVE HAWAIIAN HEALTH, JOHN A. BURNS SCHOOL OF MEDICINE, UNIVERSITY OF HAWAI'I

Aloha mai e (warm greetings) honorable Chair Schatz and Vice-Chair Murkowski and distinguished members of the United States (U.S.) Senate Committee on Indian Affairs. Mahalo nui (much gratitude) for this opportunity to provide written testimony regarding "Upholding the Federal Trust Responsibility: Funding & Program Access for Innovation in the Native Hawaiian Community."

This testimony is humbly being submitted jointly by Drs. Joseph Keawe'aimoku Kaholokula and Winona Kaalouahi Lee:

I, Dr. Joseph Keawe'aimoku Kaholokula, am a kanaka maoli (Native Hawaiian) whose ancestors lived and thrived in this pae 'aina (Hawaiian archipelago) for centuries before Western contact. I am a Professor and Chair of the Department of Native Hawaiian Health (NHH) at the John A. Burns School of Medicine (JABSOM) of the University of Hawai'i at Manoa UHM). In my role as NHH Chair, I oversee pathway programs that are supported by both state and federal funding and designed to increase the number of Native Hawaiians, Pacific Islanders, and other persons from backgrounds underrepresented in medicine, other health professions, and the health sciences. I am also a translational behavioral scientist who oversees several federally-funded research programs designed to address the most pressing health concerns of our Native Hawaiian and Pacific Islander communities and to increase the number of persons from these communities in the health sciences. I am also a licensed clinical psychologist who has provided clinical services to Native Hawaiian and Pacific Islander patients at federally-qualified health centers and the Native Hawaiian Health Care Systems as well as helped to build culturally-responsive behavioral health programs for these populations. I have served and currently serve as a subject matter expert or committee member for several federal agencies concerning Native Hawaiian and Pacific Islander health. On a cultural level, I am a po'o (leader) and member of Halemua o Kuali'i, a grassroots cultural organization whose mission is to revitalize and perpetuate our traditional Hawaiian customs and practices. Altogether, I have over 25 years of clinical, academic, and community experience concerning Native Hawaiian health and wellbeing.

I, Dr. Winona Kaalouahi Lee, am a Native Hawaiian medical educator driven by a passion for promoting the success of disadvantaged and underrepresented students in medicine. I oversee key diversity programs at the University of Hawai'i John A. Burns School of Medicine (JABSOM) including the 'Imi Ho'ola Post-Baccalaureate Program and the Native Hawaiian Center of Excellence. In my role as the Association of American Medical Colleges Diversity Officer, I led the creation of JABSOM's first institutional policy on diversity. I am the Co-Editor of Ho'i Hou Ka Mauli Ola, Pathways to Native Hawaiian Health, and have led the creation and expansion of culturally-responsive, strengths-based enrichment and training programs for the past 20 years. I currently serve as the Director of the Western Region of the National Association of Medical Mi-

nority Educators and the Co-Chair of the JABSOM Coordinating Committee on Opportunity, Diversity, and Equity and the ʻApu Kaulike Diversity Task Force. I am proud to be a former first-generation college student and homegrown leader from ʻEwa Beach. I am a graduate of Kamehameha Schools Kapalama campus, received my undergraduate and medical degrees from the University of Hawai'i at Manoa, and completed my residency in Pediatrics at the University of Hawai'i Integrated Pediatrics Residency Program.

This joint testimony to the U.S. Senate Committee on Indian Affairs addresses the fiduciary obligation of the U.S. in fulfilling its trust responsibility to Native Hawaiians—an obligation codified in federal law. This trust responsibility is due to the role the U.S. played in the unlawful overthrow of the Sovereign of the Kingdom of Hawai'i, Queen Lili'uokalani, on January 16, 1893, and the subsequent U.S. occupation of Hawai'i. A fact recognized by two U.S. Presidents—President Glover Cleveland based on the findings of the Blount Report that same year and President Bill Clinton in 1993 with the Apology Resolution (U.S. Public Law 103–150). This federal trust responsibility is exemplified in the Hawaiian Homes Commission Act of 1920 and the Native Hawaiian Education and the Native Hawaiian Health Care Acts of 1988. However, the trust responsibility of the U.S. extends beyond these three significant federal laws and should be a bipartisan issue.

Historical Context for the Health Inequities Experienced by Native Hawaiians

Native Hawaiians are the Indigenous People of the Hawaiian Islands, territories now controlled by the U.S. Hawai'i was a sovereign nation under the Kingdom of Hawai'i from the time the islands were united under one government by King Kamehameha I in 1810 until the illegal overthrow of Queen Lili'uokalani in 1893.[1] Native Hawaiians never relinquished their claims to their inherent sovereignty over their national lands to the U.S.[2] "either through the Kingdom of Hawai'i or through a plebiscite or referendum," as stated in U.S. Public Law 103–150.

Before Western contact, Native Hawaiians were a thriving and healthy people, with a sophisticated sociopolitical system and a rich cultural tradition. Following Western contact, Native Hawaiians were decimated by novel infectious diseases; forced to abandon their native language, customs, and beliefs; manipulated by foreign powers, and marginalized through legislation.[1,3-5] These deleterious changes were exacerbated after U.S. control of Hawai'i.[1] Similar to American Indians (Native) Americans) and Alaska Natives, the discrimination and marginalization experienced by Native Hawaiians under U.S.-control led to significant social, educational, and economic disadvantages as well as cultural repression, placing many Native Hawaiians at a greater risk for physical and mental health concerns than any other racial/ethnic group in their homeland and throughout the U.S.

Today, Native Hawaiians have higher rates of physical diseases and mental health disorders than other racial/ethnic groups in Hawai'i across all ages.[6-11] Among these conditions are obesity,[12,13] hypertension,[14,15] diabetes,[16,17] chronic kidney disease,[18] cardiovascular and cerebrovascular diseases (CVD),[19,20] and certain cancers (e.g., breast and lung cancer),[10,21] which are identified national health disparate priorities by the Office of Minority Health for Native Hawaiians and Pacific Islanders.[22] They contract these conditions at younger ages.[20] In Hawai'i and nationally, Native Hawaiians also have a higher prevalence of mental health conditions, such as substance use and abuse,[11,23] depression,[11,24] adverse childhood events,[7] and suicide.[25]

Many of these physical and mental health conditions are strongly linked to one another (e.g., comorbid depression and diabetes).[26-28] Native Hawaiians have among the lowest life expectancy (an average of 10 years lower overall) of any other racial/ethnic group.[9,29] They are more likely to be diagnosed with a chronic disease at later stages or with greater severity,[10] readmitted to the hospital,[30] and frequent users of the emergency room and outpatient services.[31] Compared to other racial/ethnic groups, they are more likely to live in impoverished and obesogenic neighborhoods and crowded conditions, and to work in low-paying jobs.[32-35] They are less likely to obtain a college degree or to own a home.[33-35] A third (30 percent) are uninsured/underinsured[36,37] and 15 percent live in extreme poverty.[38,39] Native Hawaiians experience high levels of discrimination with adverse effects on their health.[40-42] They are also overrepresented among Hawai'i's other health-disparate underserved and vulnerable populations, such as rural (60 percent),[43,44] homeless (57 percent),[45] and sexual/gender minorities (52 percent).[46] Native Hawaiians, along with other Pacific Islanders, in Hawai'i and other states (California, Oregon, and Washington) were among the hardest hit by COVID–19.[47,48]

To effectively eliminate the health inequities experienced by Native Hawaiians the following actions need to be taken: 1) an increase in federally supported pro-

grams and legislation specifically targeting Native Hawaiians and their most pressing health concerns and 2) an increase in federal support to increase the number of Native Hawaiians in the health professions and health sciences.

The Need for Federally-funded Culturally-Responsive Health Equity Programs

Many Native Hawaiian serving organizations have and continue to benefit from federally-funded programs, such as those offered by the Administration for Native Americans (ANA), Health Resources and Services Administration (HRSA; e.g., Center of Excellence program), and the Center for Disease Control and Prevention (CDC)—all under the U.S. Department of Health and Human Services (DHHS). And, in recent years, there have been significant federal investments made toward improving Native Hawaiian health. Some examples include the recent funding announcement by the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish an Asian American, Native Hawaiian, and Pacific Islander Behavioral Health Center of Excellence; by the National Institute on Minority Health and Health Disparities of the National Institutes of Health (NIH) for research proposals concerning epidemiologic studies in Asian Americans, Native Hawaiians, and Pacific Islanders; and by the Office of Minority Health (OMH) to establish a Center for Indigenous Innovation and Health Equity.

Although these recent funding opportunities are much needed and appreciated, they are often tied to, or aggregated with, other racial/ethnic groups or subjected to a competitive process that casts such a wide net that inadvertently limits, if not excludes, meaningful participation by Native Hawaiians or academic and community organizations working of their behalf. For example, the arbitrary and pervasive practice of aggregating or attaching funding for Native Hawaiians and Pacific Islanders to the larger and broader Asian American rubric, such as in the case of SAMHSA's call to establish an Asian American, Native Hawaiian, and Pacific Islander Behavioral Health Center of Excellence, is highly problematic. The funding being offered ($700,000 annually over 5 years) is not enough to meet the unique behavioral health needs of the over 24 million Asian Americans in the U.S. who comprise over 20 different sub-groups as well as the 1.6 million Native Hawaiians and Pacific Islanders who comprise over 12 different sub-groups based on the 2020 U.S. Census.

There is no justifiable reason to attach Native Hawaiians and Pacific Islanders to Asian American populations. This erroneous practice perhaps came about because of a previous racial/ethnic category by the Office of Management and Budget (OMB) that aggregated these three groups together. Although Native Hawaiians and Pacific Islanders have been disaggregated from Asian Americans under OMB Directive 15 since 1994, the practice of aggregating them continues—a practice that needs to stop because it masks the true health issues faced by all racial/ethnic subgroups involved.[49]

In thinking about establishing new federally-supported programs, it is important to consider that Native Hawaiians have called for and responded best to culturally responsive health promotion programs—programs that are either built upon or leverage their cultural perspectives and practices. A vast majority of Native Hawaiians (93 percent) strongly identify with their Native Hawaiian heritage and culture[50] and 80 percent strongly believe it is important to maintain their unique cultural values and practices for psychological wellbeing.[51] Rigorous scientific research we have conducted with NIH funding has found that community-based and led, culturally responsive health promotion programs can improve the health and wellbeing of Native Hawaiians as well as other Pacific Islanders. Among these programs is our PILI Lifestyle Program to address obesity,[52-55] the Partners in Care Diabetes Self-Management Program,[56,57] and Ola Hou i ka Hula (restoring life through hula) Program to lower cardiovascular disease risk in Native Hawaiians and Pacific Islanders.[58] For example, our Ola Hou i ka Hula program—a culture-based lifestyle program using our traditional dance of hula—led to significant improvements in blood pressure control and a 10-year risk for CVD among Native Hawaiians with previously uncontrolled hypertension.

The innovation of these culturally grounded programs resides in their paradigm shift away from an exclusive focus on Western notions of health promotion based on treating disease-associated physiology toward an Indigenous perspective of health promotion based on leveraging or strengthening cultural and community assets. However, what is often made available for funding are programs deemed "evidence-based" for which the evidence was based on research that included predominately White samples. This is unacceptable since the validity of any intervention can only be linked with any high degree of confidence within the population(s) in which it was tested. Thus, health promotion programs for Native Hawaiians that

have proven their effectiveness among Native Hawaiians need to be disseminated and implemented in real-world settings, such as federallyqualified community health centers and the Native Hawaiian Health Care Systems as well as other community-based organizations.

The Need for Federal Support for Native Hawaiians to Enter the Health Professions

Despite their significant health disparities, access to quality and timely medical care for Native Hawaiians is poor and, in part, due to the severe physician shortage in Hawai'i and the underrepresentation of Native Hawaiians in the medical profession. The physician shortage in Hawai'i rose across all counties from 2019 to 2020. Primary care (i.e., Family Medicine, Internal Medicine, Pediatrics, and Geriatrics) represents the largest shortage statewide (412 FTEs needed) on all islands. Despite comprising up to 21 percent of the population in Hawai'i, Native Hawaiians represent less than 4.5 percent of the physician workforce.

Complicating matters, many Native Hawaiians harbor mistrust and suspicion of Western medicine and science because of past transgressions against them.[59-61] They also face numerous sociocultural and socioeconomic challenges, such as economic deprivation, the need to hold down multiple jobs, and strong family and community obligations, that often prevent or hinder their ability to seek timely medical care. For all these reasons, growing our local physicians, especially Native Hawaiians, has never been more critical, as well as vital efforts to create a robust culturally-responsive physician workforce committed to Hawai'i and its people.

The social and economic challenges faced by Native Hawaiian students who are pursuing careers in medicine and other health professions impact their ability to succeed at the undergraduate level. In Fall 2021, the University of Hawai'i at Manoa (UHM) reported that only 14.5 percent of the UHM student population were Native Hawaiian.[62] Native Hawaiians face higher poverty rates than the statewide average with 15.5 percent of NH families with children under 18 living in poverty compared to the statewide average of 10.5 percent.[63] These early challenges are critical reasons to create a pathway for potential medical students starting at the high school level by providing outreach and service programs that address academic preparedness, college readiness, and financial and career planning. Native Hawaiian students are more likely to be first-generation college students and only 13.2 percent of Native Hawaiian students over 25 years of age have a bachelor's degree, compared to the statewide average of 22.1 percent of Caucasians.[64] Without Native Hawaiian role models or mentors, it is difficult for Native Hawaiian students to realize that attending a health professions school is within their reach. These students do have academic potential and with the right mentors and supportive learning environment, can achieve their career goals.

Pathway programs such as the Native Hawaiian Center of Excellence (NHCOE) and the 'Imi Ho'ola Post-Baccalaureate Program at JABSOM serve as educational models of success that should be replicated and expanded to create a sustainable, expansive solution to meeting the academic, personal, and professional needs of Native Hawaiian students pursuing careers in medicine. NHCOE has strengthened the nation's capacity to produce a diverse, culturally competent health care workforce that is prepared to meet the needs of diverse and underserved patient populations. NHCOE is the only Center of Excellence in the U.S. focused on Native Hawaiian student and faculty pathways to success in medicine. Since its inception in 1991, NHCOE has evolved and expanded its activities, engagement, and outreach with the support of the Bureau of Health Workforce under HRSA, JABSOM, and NHCOE's extensive and long-standing community and educational partnerships.

One of our premier programs, the Native Hawaiian Student Pathway to Medicine Program (NHSPM) has now completed its 12th cohort since its inception in 2010. NHSPM has successfully led culturally responsive, student-centered training sessions for 186 Native Hawaiian premedical and other health professions students. Of these, 51 NHSPM students were accepted to medical school at JABSOM (n = 30) and the continental U.S.A (n = 21). Thus, 61 percent of NHSPM students who applied to medical school (n = 51/83) were accepted. Within JABSOM, NHCOE is the lead unit providing cultural competency training to 100 percent of JABSOM matriculated medical doctorate (MD) students, supporting clinical training in communities that serve Native Hawaiians, and integrating traditional healers within the context of western medicine. In 2014, NHCOE established the first Dean's Certificate in Native Hawaiian Health awarded to JABSOM medical students who meet culturally intensive studies as well as academic, research, and community service requirements. NHCOE has also supported the Indigenous Faculty Forum (IFF), an ongoing partnership between NHCOE and the Northwest Native American Center of Excel-

lence at the Oregon Health Sciences University to create a formal networking and collaborative partnership with indigenous faculty across the nation.

The ʻImi Hoʻola Post-Baccalaureate Program is a proven pathway program that provides educational opportunities to disadvantaged students pursuing careers in medicine. Since 1973, ʻImi Hoʻola (Hawaiian meaning those who seek to heal) has successfully equipped students with the knowledge, skills, and confidence to achieve success in the competitive field of medicine. Up to 12 students are enrolled each year and once students complete the rigorous program, they matriculate as first-year students in the JABSOM MD program. To date, 297 ʻImi Hoʻola alumni have successfully graduated from JABSOM. ʻImi Hoʻola's contributions to Pacific Islander diversity at JABSOM are significant. Thirty-eight percent (38 percent) of all Native Hawaiians, 34 percent of Filipinos, 57 percent of Micronesians, and 89 percent of Samoan students who graduated from JABSOM—came through ʻImi Hoʻola. ʻImi Hoʻola graduates also produce more MDs who choose primary care and residency programs in Hawaiʻi when compared to non-ʻImi Hoʻola MDs (72 percent vs 57 percent). [65]

JABSOM is one of only 45 (forty-five) schools across the nation that have a post-baccalaureate program. Of these schools, only 16 (sixteen) programs consider student groups that are underrepresented in the health professions as a criterion for enrollment and only 6 (six) programs grant admissions to an affiliated medical school upon successful completion. ʻImi Hoʻola not only strengthens our ability to diversify the workforce here in our island state but is an exemplar of excellence across our nation. In short, ʻImi Hoʻola and NHCOE are vital pathways to address the current physician workforce shortage and can be used as models to effectively produce a health care workforce that reflects and understands our diverse communities by supporting Native Hawaiian and Pacific Islander students in achieving their dreams of becoming healers for their communities.

The Need for Federal Support for Native Hawaiians to Enter the Health Sciences

As recognized by the National Science Foundation (NSF), Native Hawaiians/Pacific Islanders along with American Indians/Alaska Natives, African Americans, and Hispanics are underrepresented in science, technology, engineering, mathematics, and medicine (STEMM) fields and the health sciences. [66] This is reflected in the dismal number of Native Hawaiians who apply for federal funding and the number of projects funded that focus on Native Hawaiians/Pacific Islanders. According to a recent report, only 0.17 percent (529) of NIH's entire funding went to Asian American Native Hawaiian, and Pacific Islander-focused research collectively between 1992 and 2018. [67] And, only 35 of these research projects were focused on Native Hawaiians and/or Pacific Islanders. In 2013 and 2018 there were only 18 applicants of Native Hawaiian and Pacific Islander ancestry in both years, which represents a 0 percent increase. In 2020, only 25 research grants awarded went to Native Hawaiian and Pacific Islander investigators compared to 102 for American Indians/Alaska Natives, 1,052 for African Americans, 8,858 for Asians, and 28,587 for Whites.

Complicating this issue in Hawaii is the significant disparities in the number of Native Hawaiian and Pacific Islander faculty at UHM at all levels—individuals eligible to apply for federal funding—compared to their racial/ethnic representation in the overall population of Hawaiʻi. [68] The overall population of Hawaiʻi is about 25 percent Native Hawaiian/Pacific Islander, 25 percent non-Hispanic White, and 23 percent Asian. Yet, only 8.9 percent of HM faculty are Native Hawaiian/Pacific Islander compared to 46 percent non- Hispanic White and 29.2 percent Asian. Of tenure-track and tenured faculty, the number drops to 8 percent for Native Hawaiians/Pacific Islanders but increases for non-Hispanic Whites to 52.2 percent. At JABSOM, only 7.8 percent are Native Hawaiian/Pacific Islander compared to 32 percent non-Hispanic Whites and 45.3 percent Asians.

Native Hawaiians and Pacific Islanders face considerable challenges that prevent or complicate their pursuit of an MD or PhD in scientific fields and in securing tenure-track faculty positions. [69] Like most individuals of minority status, there is high attrition in their transition from training status into facultylevel research careers. [70] Pursuing an academic or research career is often daunting for them because of racial/ethnic discrimination and biases; isolation and a lack of network and mentors with similar backgrounds; fewer career development opportunities; heavy clinical and community obligations; and a heavy mentoring load of Native Hawaiian/Pacific Islander students and early career faculty. [71, 72] Native Hawaiian physicians often turn to private practice to pay off their educational loan debt, which leads them away from an academic career. Recently, COVID pandemic related financial challenges at UHM have further limited the ability of JABSOM to provide competitive academic opportunities across all disciplines, but this most significantly impacts Na-

tive Hawaiian/Pacific Islander professionals seeking an academic health career in the Pacific. The limited research on IPP faculty echoes the barriers experienced by other URM.

Although Native Hawaiians and Pacific Islanders are Indigenous to territories now under US control, they do not receive the same level of attention and special consideration by federal funding agencies as do American Indians/Alaska Natives. For example, Native Hawaiians and Pacific Islanders are excluded from the Native American Research Centers for Health (NARCH) program funded by NIH and the Indian Health Services, designed to support biomedical research and career enhancement opportunities to meet the health needs of American Indian/Alaska Native communities. The 33 percent increase in R01 applications from American Indian/Alaska Native principal investigators over the 5 years is no doubt due to NARCH and other similar research infrastructure programs focused exclusively on American Indians/Alaska Natives. A similar investment in Native Hawaiians and Pacific Islanders is urgently needed.

Program and Policy Recommendations

Given the dire need for culturally responsive health promotion programs for Native Hawaiians, health professionals who can provide culturally responsive care for Native Hawaiian patients, and healthrelated researchers to identify and develop promising intervention programs for Native Hawaiian communities, we offer the following recommendations for consideration:

1. Native Hawaiians and Pacific Islanders should not be combined with Asian Americans, or any other racial/ethnic group, under a single project or program for funding because of large differences in health status and outcomes, as well as the social and cultural determinants of health impacting these different ethnic groups. Combining Native Hawaiians and Pacific Islanders with Asian populations only directs attention and resources away from Native Hawaiians and Pacific Islanders because of their smaller representation in the U.S. compared to Asians. Native Hawaiians and Pacific Islanders must have their own programs and line of funding to address their unique concerns.

2. Native Hawaiian representation and consultation should be required in the designing, funding, and oversight of all federally-supported programs aimed at improving Native Hawaiian health including any special interest groups and committees tasked with Native Hawaiian health. All too often Native Hawaiians and Pacific Islanders are lumped with Asians in many federally-supported programs with very little to no Native Hawaiian or Pacific Islander representation or input.

3. Culturally responsive, community-based health promotion programs are needed, which go beyond the current strategy of simply adapting and implementing interventions deemed as 'evidence-based' from research with mainly the majority population. What is needed are funding opportunities and technical assistance to support the dissemination and implementation of culturally responsive interventions already identified as effective for Native Hawaiians and to support innovative health-related research programs exclusively aimed at improving Native Hawaiian health, as well as for other Pacific Islanders, similar to those designed for American Indians/Alaska Natives (e.g., NARCH).

4. We have documented the success of our pathway programs at JABSOM for Native Hawaiians and Pacific Islanders. However, resources are limited to meet the needs of our Native Hawaiian and Pacific Islander learners and to meet our goal of increasing the number of Native Hawaiians in medicine. Federal funding is needed to expand and strengthen culturally-responsive and strengths-based pathway programs for Native Hawaiian students to enter the health professions (e.g., medicine, psychology, nursing, and social work). These pathway programs need to be implemented starting in high school and continuing at the undergraduate and post-baccalaureate levels.

5. Given the large inequities in adverse childhood experiences and behavioral health issues across the board among Native Hawaiians, an issue exacerbated by the COVID–19 pandemic, a special emphasis is needed on addressing Native Hawaiian/Pacific Islander behavioral health disparities, especially funding to increase behavioral health services and programs in rural and primary care settings, as well as in educational settings. Also, more behavioral health providers are needed in the professions of clinical psychology, psychiatry, and clinical social work.

6. To support the increase in behavioral health services for Native Hawaiians as well as increase the number of clinical psychologists, psychologists need to

be included in the "incident to" language in Medicare to allow reimbursement for services provided by graduate trainees under the supervision of psychologists similar to physicians and medical residents. This will allow for sustainable training opportunities for clinical psychologists.

7. As we understand it, the recipients of the Native Hawaiian Health Scholarship are being unfairly taxed for their professional school tuition by HRSA, and this is in addition to being taxed for the monthly stipend they receive for their living expenses. The additional tax on tuition can be as high as $10,000 annually for these scholarship recipients. The IRS tax code exempts the tuition for National Health Service Corps recipients from taxation. Native Hawaiian students face economic challenges and these taxes only add to their economic burdens. Out of financial necessity, it also deters many physicians and other health professionals (e.g., psychologists, social workers) from practicing in rural settings and community-based clinics where salaries are lower than in urban settings and larger healthcare systems.

Again, mahalo nui for this opportunity to provide testimony regarding "Upholding the Federal Trust Responsibility: Funding & Program Access for Innovation in the Native Hawaiian Community." Should you have any questions regarding this testimony please feel free to contact us.

Literature Cited

1. Dougherty M. To steal a kingdom. Waimanalo, HI: Island Style Press; 1992.
2. Sai DK. Ua mau ke ea = Sovereignty endures : an overview of the political and legal history of the Hawaiian Islands. Third Edition. ed. Honolulu, Hawai'i: Pu'a Foundation; 2015.
3. Kaholokula JK, Nacapoy AH, Dang K. Social justice as a public health imperative for Kanaka Maoli. AlterNative: An International Journal of Indigenous Peoples. 2009;5(2):117–137.
4. Marsella A, MCCubbin LD. Native Hawaiians and psychology: The cultural and historical context of indigenous ways of knowing. Cultural Diversity and Ethnic Minority Psychology. 2009;15(4):374–387.
5. Goodyear-Ka'opua N, Hussey I, Wright EK. A nation rising : Hawaiian movements for life, land, and sovereignty. Durham: Duke University Press; 2014.
6. Wu LT, Blazer DG, Swartz MS, Burchett B, Brady KT, Workgroup NA. Illicit and nonmedical drug use among Asian Americans, Native Hawaiians/Pacific Islanders, and mixed-race individuals. Drug Alcohol Depend. 2013;133(2):360–367.
7. Ye D, Reyes-Salvail F. Adverse childhood experiences among Hawai'i adults: Findings from the 2010 Behavioral Risk Factor Survey. Hawaii J Med Public Health. 2014;73(6):181–190.
8. Mau MK, Sinclair K, Saito EP, Baumhofer KN, Kaholokula JK. Cardiometabolic health disparities in native Hawaiians and other Pacific Islanders. Epidemiol Rev. 2009;31:113–129.
9. Panapasa SV, Mau MK, Williams DR, McNally JW. Mortality patterns of Native Hawaiians across their lifespan: 1990–2000. American journal of public health. 2010;100(11):2304–2310.
10. Tsark JU, Braun KL. Eyes on the Pacific: cancer issues of Native Hawaiians and Pacific Islanders in Hawai'i and the US-associated Pacific. J Cancer Educ. 2009;24(2 Suppl):S68–69.
11. Wu LT, Blazer DG. Substance use disorders and co-morbidities among Asian Americans and Native Hawaiians/Pacific Islanders. Psychol Med. 2015;45(3):481–494.
12. Bacong AM, Holub C, Porotesano L. Comparing Obesity-Related Health Disparities among Native Hawaiians/Pacific Islanders, Asians, and Whites in California: Reinforcing the Need for Data Disaggregation and Operationalization. Hawaii J Med Public Health. 2016;75(11):337–344.
13. Davis J, Busch J, Hammatt Z, et al. The relationship between ethnicity and obesity in Asian and Pacific Islander populations: a literature review. Ethn Dis. 2004;14(1):111–118.
14. Martiniuk AL, Lee CM, Lawes CM, et al. Hypertension: its prevalence and populationattributable fraction for mortality from cardiovascular disease in the Asia-Pacific region. Journal of hypertension. 2007;25(1):73–79.
15. Watson RE, Karnchanasorn R, Gossain VV. Hypertension in Asian/Pacific Island Americans. Journal of clinical hypertension. 2009;11(3):148–152.
16. Grandinetti A, Kaholokula JK, Theriault AG, Mor JM, Chang HK, Waslien C. Prevalence of diabetes and glucose intolerance in an ethnically diverse rural community of Hawaii. Ethn Dis. 2007;17(2):250–255.

17. Aluli NE, Jones KL, Reyes PW, Brady SK, Tsark JU, Howard BV. Diabetes and cardiovascular risk factors in Native Hawaiians. Hawaii medical journal. 2009;68(7):152–157.
18. Mau MK, West MR, Shara NM, et al. Epidemiologic and clinical factors associated with chronic kidney disease among Asian Americans and Native Hawaiians. Ethn Health. 2007;12(2):111–127.
19. Aluli NE, Reyes PW, Brady SK, et al. All-cause and CVD mortality in Native Hawaiians. Diabetes research and clinical practice. 2010;89(1):65–71.
20. Nakagawa K, Koenig MA, Seto TB, Asai SM, Chang CW. Racial disparities among Native Hawaiians and Pacific Islanders with intracerebral hemorrhage. Neurology. 2012;79(7):675- 680.
21. Palafox NA, Reichhardt M, Taitano JR, et al. A Socio-Ecological Framework for Cancer Control in the Pacific: A Community Case Study of the US Affiliated Pacific Island Jurisdictions 1997–2017. Front Public Health. 2018;6:313.
22. Profile: Native Hawaiians/Pacific Islanders. U.S. Department of Health and Human Services; 2020. *https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=3&lvlid=65.* Accessed September 16, 2020.
23. Wu LT, Blazer DG, Gersing KR, et al. Comorbid substance use disorders with other Axis I and II mental disorders among treatment-seeking Asian Americans, Native Hawaiians/Pacific Islanders, and mixed-race people. J Psychiatr Res. 2013;47(12):1940–1948.
24. Andrade NN, Hishinuma ES, McDermott JF, Jr., et al. The National Center on Indigenous Hawaiian Behavioral Health study of prevalence of psychiatric disorders in native Hawaiian adolescents. J Am Acad Child Adolesc Psychiatry. 2006;45(1):26–36.
25. Subica AM, Wu LT. Substance Use and Suicide in Pacific Islander, American Indian, and Multiracial Youth. Am J Prev Med. 2018;54(6):795–805.
26. Grandinetti A, Kaholokula JK, Crabbe KM, Kenui CK, Chen R, Chang HK. Relationship between depressive symptoms and diabetes among native Hawaiians. Psychoneuroendocrinology. 2000;25(3):239–246.
27. Kaholokula JK, Haynes SN, Grandinetti A, Chang HK. Biological, psychosocial, and sociodemographic variables associated with depressive symptoms in persons with type 2 diabetes. J Behav Med. 2003;26(5):435–458.
28. Kaholokula JK, Haynes SN, Grandinetti A, Chang HK. Ethnic differences in the relationship between depressive symptoms and health-related quality of life in people with type 2 diabetes. Ethn Health. 2006;11(1):59–80.
29. Wu Y, Braun K, Onaka AT, Horiuchi BY, Tottori CJ, Wilkens L. Life Expectancies in Hawai'i: A Multi-ethnic Analysis of 2010 Life Tables. Hawaii J Med Public Health. 2017;76(1):9–14.
30. Sentell TL, Ahn HJ, Juarez DT, et al. Comparison of potentially preventable hospitalizations related to diabetes among Native Hawaiian, Chinese, Filipino, and Japanese elderly compared with whites, Hawai'i, December 2006–December 2010. Prev Chronic Dis. 2013;10:E123.
31. Narcisse MR, Felix H, Long CR, et al. Frequency and predictors of health services use by Native Hawaiians and Pacific Islanders: evidence from the U.S. National Health Interview Survey. BMC Health Serv Res. 2018;18(1):575.
32. Pobutsky P, Bradbury E, Wong Tomiyasu D. Chronic Disease Disparities Report 2011: Social Determinants. Honolulu, HI: Hawaii State Department of Health, Chronic Disease Management and Control Branch;2011.
33. Affairs OoH. Kaneho'alani—Transforming the Health of Native Hawaiian Men. Honolulu, HI: Office of Hawaiian Affairs;2017.
34. Affairs OoH. Haumea-Transforming the Health of Native Hawaiian Women and Empowering Wahine Well-Being. Honolulu, HI: Office of Hawaiian Affairs;2018.
35. Look M, Trask-Batti M, Agres R, Mau M, Kaholokula J. Assessment and Priorities for Health & Well-being in Native Hawaiians & other Pacific Peoples. Honolulu, HI: Center for Native and Pacific Health Disparities Research, University of Hawai'i;2013.
36. Park JJ, Humble S, Sommers BD, Colditz GA, Epstein AM, Koh HK. Health Insurance for Asian Americans, Native Hawaiians, and Pacific Islanders Under the Affordable Care Act. JAMA Intern Med. 2018;178(8):1128–1129.
37. Park JJ, Sommers BD, Humble S, Epstein AM, Colditz GA, Koh HK. Medicaid And Private Insurance Coverage For Low-Income Asian Americans, Native Hawaiians, And Pacific Islanders, 2010–16. Health Aff (Millwood). 2019;38(11):1911–1917.
38. Hostetter CJ. Income Inequality and Native Hawaiian Communities in the Wake of the Great Recession: 2005–2013. Honolulu, HI2014.
39. Health TOoM. Heart Disease and Native Hawaiians/Pacific Islanders. *http://minorityhealth.hhs.gov/templates/content.aspx?lvl=3&lvlID=6&ID=8654.* Accessed January 7, 2014.

40. Kaholokula JK, Antonio MC, Ing CK, et al. The effects of perceived racism on psychological distress mediated by venting and disengagement coping in Native Hawaiians. BMC Psychol. 2017;5(1):2.
41. Kaholokula JK, Iwane MK, Nacapoy AH. Effects of perceived racism and acculturation on hypertension in Native Hawaiians. Hawaii medical journal. 2010;69(5 Suppl 2):11–15.
42. Hagiwara MKI. Racial discrimination, health, and healthcare in Hawaii's Chuukese community. Honolulu, HI: Office of Public Health Sciences, University of Hawaii at Manoa; 2016.
43. Oliveira-Berry J, Austin A, Miyamoto R, Kaholokula JK, Yano B, Lunasco T. The Rural Hawai'i Behavioral Health Program: Increasing access to primary care behavioral health for Native Hawaiians in rural settings. Professional Psychology: Research & Practice. 2006;37(2):174–182.
44. Hafoka SF. Assessing the active living environment in three rural towns with a high proportion of Native Hawaiians and other Pacific Islanders. Health Promot Perspect. 2017;7(3):134–139.
45. State of Homelessness: A Look at Race and Ethnicity. National Alliance to End Homelessness; 2020. *https://endhomelessness.org/state-of-homelessness-a-look-at-raceand-ethnicity/*. Accessed August 20, 2020.
46. Care Pi. Sexual and Gender Minorities 2020 Sub-Report. Honolulu, HI: Partners in Care;2020.
47. Kaholokula JK, Samoa RA, Miyamoto RES, Palafox N, Daniels SA. COVID–19 Special Column: COVID–19 Hits Native Hawaiian and Pacific Islander Communities the Hardest.
Hawaii J Health Soc Welf. 2020;79(5):144–146. 48. Samoa R, Kaholokula JK, Penaia C, et al. COVID–19 and the State of Health of Pacific Islanders in the United States. AAPI Nexus: Policy, Practice and Community. 2020;17(1 & 2).
49. Panapasa SV, Crabbe KM, Kaholokula JK. Efficacy of Federal Data: Revised Office of Management and Budget Standard for Native Hawaiian and Other Pacific Islanders Examined. AAPI Nexus. 2011;9(1–2):212–220.
50. Kaholokula JK, Nacapoy AH, Grandinetti A, Chang HK. Association between acculturation modes and type 2 diabetes among Native Hawaiians. Diabetes Care. 2008;31(4):698–700.
51. Schools K. Ka Huaka'i" 2014 Native Hawaiian Educational Assessment. Honolulu: Kamehameha Schools;2014.
52. Pacific islanders pay heavy price for abandoning traditional diet. Bull World Health Organ. 2010;88(7):484–485.
53. Kaholokula JK, Mau MK, Efird JT, et al. A family and community focused lifestyle program prevents weight regain in Pacific Islanders: a pilot randomized controlled trial. Health education & behavior : the official publication of the Society for Public Health Education. 2012;39(4):386–395.
54. Kaholokula JK, Townsend CK, Ige A, et al. Sociodemographic, behavioral, and biological variables related to weight loss in native Hawaiians and other Pacific Islanders. Obesity. 2013;21(3):E196–203.
55. Kaholokula JK, Wilson RE, Townsend CKM, et al. Translating the Diabetes Prevention Program in Native Hawaiian and Pacific Islander communities: the PILI 'Ohana Project. Translational Behavioral Medicine. 2013:1–11.
56. Ing CT, Zhang G, Dillard A, et al. Social Support Groups in the Maintenance of Glycemic Control after Community-Based Intervention. J Diabetes Res. 2016;2016:7913258.
57. Sinclair KA, Makahi EK, Shea-Solatorio C, Yoshimura SR, Townsend CK, Kaholokula JK. Outcomes from a diabetes self-management intervention for Native Hawaiians and Pacific People: Partners in Care. Annals of behavioral medicine : a publication of the Society of Behavioral Medicine. 2013;45(1):24–32.
58. Kaholokula JK, Look M, Mabellos T, et al. A Cultural Dance Program Improves Hypertension Control and Cardiovascular Disease Risk in Native Hawaiians: A Randomized Controlled Trial. Annals of behavioral medicine : a publication of the Society of Behavioral Medicine. 2021.
59. Gollin LX, Harrigan RC, Calderon JL, Perez J, Easa D. Improving Hawaiian and Filipino involvement in clinical research opportunities: qualitative findings from Hawai'i. Ethn Dis. 2005;15(4 Suppl 5):S5–111–119.
60. Kaholokula JK, Saito E, Maua MK, Latimer R, Seto TB. Pacific Islanders' perspectives on heart failure management. Patient Educ Couns. 2008;70(2):281–291.
61. George S, Duran N, Norris K. A systematic review of barriers and facilitators to minority research participation among African Americans, Latinos, Asian Americans, and Pacific Islanders. American journal of public health. 2014;104(2):e16–31.
62. Hawai'i Uo. Enrollment at UH Manoa up 6 percent, record freshman numbers. . Honolulu, HI.: University of Hawai'i; October 17, 2021 2021.

63. Affairs OoH. Native Hawaiian Data Book 2021, Table 08.13 Families Below Poverty Level by Race-Ethnicity in Hawai'i: 2019. Honolulu, HI: Office of Hawaiian Affairs;2021.
64. Affairs OoH. Native Hawaiian Data Book 2021, Table 06.73: Educational Attainment by Race-Ethnicity in Hawai'i: 2019. Honolulu, HI: Office of Hawaiian Affairs;2021.
65. Purdy CM. Evaluation of a Post-Baccalaureate Medical Education Program for Disadvantaged Students to Diversify the Healthcare Workforce of Hawai'i (1996–2016). Honolulu, HI: University of Hawai'i at Manoa;2019. 66. Diversity in Medicine: Facts and Figures 2019. American of American Medical Colleges 2019. *https://www.aamc.org/data-reports/workforce/report/diversity-medicine-facts-and-figures-2019*. Accessed January 29, 2021.
67. Do . . . n LN, Takata Y, Sakuma KK, Irvin VL. Trends in Clinical Research Including Asian American, Native Hawaiian, and Pacific Islander Participants Funded by the US National Institutes of Health, 1992 to 2018. JAMA Netw Open. 2019;2(7):e197432.
68. Manoa Institutional Research Office: Employee. University of Hawai'i at Manoa; 2019. *https://manoa.hawaii.edu/miro/employee/*. Accessed January 29, 2021.
69. Ong M, Wright C, Espinosa LL, Orfield G. Inside the Double Bind: A Synthesis of Empirical Research on Undergraduate and Graduate Women of Color in Science, Technology, Engineering, and Mathematics. Harvard Educational Review. 2011;81(2):172–208.
70. Valantine HA, Lund PK, Gammie AE. From the NIH: A Systems Approach to Increasing the Diversity of the Biomedical Research Workforce. CBE Life Sci Educ.15(3).
71. Soong S. Undergraduate Health Research Training Programs for Racially and Ethnically Underrepresented Students in the Health Sciences. ProQuest LLC: Office of Public Health Studies, University of Hawaii; 2019.
72. Nivet MA, Taylor VS, Butts GC, et al. Diversity in academic medicine no. 1 case for minority faculty development today. Mt Sinai J Med. 2008;75(6):491–498.

The CHAIRMAN. Thank you very much, Dr. Lee.

Ms. Farden, please proceed with your testimony.

STATEMENT OF ELENA FARDEN, EXECUTIVE DIRECTOR, NATIVE HAWAIIAN EDUCATION COUNCIL

Ms. FARDEN. Thank you, Chairman Schatz, Vice Chair Murkowski, as well as her staff and members of the Committee, and all those here visiting our lahui.

My name is Elena Farden. I am a kanaka 'oiwi and serve as the executive director for the Native Hawaiian Education Council. We are a 501(c)(3) [indiscernible] through the Federal Native Hawaiian Education Act. On behalf of the 67 current Native Hawaiian Education Program grantees and our 13-member Council including staff, I appreciate the opportunity to share testimony today regarding the statutes and cases that govern the accounts, funds, and assets that are held in trust by the United States government for Native Hawaiians.

Our Council [indiscernible] testimony submitted. I would like to highlight the challenges in Federal policy and intent as well as program implementation [indiscernible] assessment and access to [indiscernible]. We seek the Committee's aid to explore solutions for long-term success in our programs.

For Federal intent and programming implementation we know that passion provides permanence, but data drives decisions. With education comes [indiscernible] both. It is our [indiscernible] experience, however, that at the heart of this challenge is a misalignment of the Federal intent of the Native Hawaiian Education Act and its program implementation. In 2021, due to the great work of

the Senate Committee on Indian Affairs, $85 million was allotted to Native Hawaiian education, with the intent to bring immediate monetary relief and resources to programs to address COVID impacts.

We know this as the largest infusion of Federal funds and the largest award of funds into programs [indiscernible]. To give you an example, there are 67 current grantees, 44 that are funded from our [indiscernible]. When you look at the patterns that were awarded in [indiscernible], 2000, and 2018, or eight years down, the current grantees make up almost two-thirds of that.

So we are so excited that so many grant programs were awarded and doing great work in our community. These funds came just in time. NHEP [indiscernible] use the funds [indiscernible] received zero relief aid from the States. Many of our NHEP grantee programs were [indiscernible] operations for over a year and a half through the pandemic.

But with relief in sight, the administration of those relief funds came in the same form and fashion of a regular grant competition, a minimum of a 50-page application with mandatory forms, a 35-day turnaround to complete the application, and the same grant priorities inviting NIA as in pre-COVID competitions.

This resulted in early learning Hawaiian language medium instruction programs having to compete against post-secondary college and career readiness programs for funding. Education as a whole is a living system and each part of that system is critical. Discretionary funding in this form causes unstable funding that impacts a continuum of services for essential programs.

We also saw an increase in funding to Native Hawaiian community-based organizations and increased funding for State programs. Whereas Native Hawaiian community-based organizations typically make up 47 percent of awarding or [indiscernible] for [indiscernible] in 2021 our distribution shows NHCBOs down 7 percent, while the State programs increased by almost 12 percent, from 25 up to 37.1.

While both types of grants and organizations provide needed services, we know that State programs have access to both Federal and State funding streams, while Native Hawaiian community-based organizations [indiscernible].

So our ask, as we come to the table we also make sure that we are bringing a solutions [indiscernible] way to explore. Our ask to the Committee is to advance community-based resource equity. The Education Council is committed to all allies in this effort to explore funding and program access for innovation in Native Hawaiian education. We seek the Committee's assistance and leadership to investigate opportunities of formula funding to be included through a statutory fix or the next reauthorization of NHEA for Native Hawaiian community-based programs that have successfully demonstrated longstanding program outcomes and impact in Native Hawaiian education, while fund remain available to seed new, innovative programs through discretionary funding.

For assessment and access to data, the Council's charge is to coordinate, assess, report, and make recommendations on Native Hawaiian education. So we function without the agency to collect such data. For example, our preliminary findings of our impact assess-

ment and learning study for the 2020 NHEP grantees show that a majority of programs target Native Hawaiian school students at 63 percent, and they do so to address priority fields where Native Hawaiians are underemployed at 78 percent.

This is a vastly different funding pattern than we have seen from the last NHEP competition in 2017 through 2018. NHEP awardees from that time targeted early childhood education and elementary and middle school student achievement. So understanding why this is happening and its implications can activate formative processes toward improved support and essential resources for grantee program success.

Due to limited funding the Council has yet to engage in an impact assessment and learning study for the 2021 ARPA grantees, the largest funding received and the largest grantee [indiscernible].

We are also restricted in data access. Rather than sharing data, the Department of Education refers the Council to request grantee data through the Freedom of Information Act. That can take up to 214 working days, or seven months and may include fees as part of that data.

So we have resorted to the requesting that individual grantees provide the data to us. This expands our timeline to research and evaluation and assessment, while also burdening the grantees with sharing their data with us.

So how do we evolve this relationship? We know that sharing [indiscernible] success. Our intent has been clear from the beginning that NHEC is not here to compete with the Department of Education because we want everyone to win.

So our ask is assessment and analysis and shared access and learning to data. The Education Council's continued work to fulfill our statutory mandate to gather high-quality data and contribute to evidence-based policymaking for Native Hawaiian education is an essential activity. We seek the Committee's assistance to include new language under Administration Provisions in the next NHEA reauthorization that directs the U.S. Department of Education to provide a copy of all direct grant applications and grantee reporting documents to the Education Council.

To also allocate an additional $1 million to be allotted to the Education Council for Fiscal Year 2023 in order to conduct an impact assessment and learning study on the 44 NHEP grantee programs awarded from the ARPA.

We also ask to establish an Office of Indigenous Language and Native Hawaiian Education within the U.S. Department of Education to work with the U.S. Department of Education in meeting its trust responsibility as stated in the Act, to support work in aligning Federal reporting requirements for culturally relevant assessments and program evaluation, and [indiscernible] efforts with the Council.

Lastly, we ask to include new language in the next NHEA reauthorization to require training for all senior level and program staff of the Department of Education specifically the Rural, Insular and Native Achievement Program, to educate them on baseline understanding of the U.S. trust responsibility and the legal and political history of Native Hawaiians with the Federal Government and the history of the Native Hawaiian Education Act in order to engage

more intentional, collaborative, and mutual support for Native Hawaiian education success with the Committee and Council.

In closing, we offer [indiscernible]. We know that [indiscernible] produces what is needed.

With much aloha and gratitude, our Council appreciates this opportunity to provide testimony. We stand ready to assist the Committee in this work, and [indiscernible].

[The prepared statement of Ms. Farden follows:]

PREPARED STATEMENT OF ELENA FARDEN, EXECUTIVE DIRECTOR, NATIVE HAWAIIAN EDUCATION COUNCIL

Chairman Schatz, Vice Chair Murkowski, and members of the Committee. Aloha kakahiaka kakou.

My name is Elena Farden. I am a kanaka 'oiwi and serve as executive director for the Native Hawaiian Education Council. On behalf of the 67 current Native Hawaiian Education Program grantees (as well as hundreds more of previously funded grantees) and our 13-member Council including staff, I appreciate the opportunity to testify today regarding the statues and cases that govern the accounts, funds, and assets that are held by the United States government in Trust Responsibility for Native Hawaiians.

Our Council stands here in today's field hearing to discuss challenges in Native Hawaiian education and offer areas to explore together towards long-term success outcomes.

We cannot dismiss the overbearing weight of this discussion without acknowledging the alarming changes to our everyday lives resulting from the impacts of the pandemic that continue to reverberate in inadequate funding, increased administrative processes, and lack of equitable and meaningful consultation from all stakeholders on program priorities and needs.

For these reasons, the Council has focused our testimony towards two specific and connected areas:

1. Accountability and Alignment: Bridging the gap between federal policy intent and program implementation by advancing community-based resource equity
2. Assessment, Analysis, and Access & Learning to Data: Shared Learning is Shared Success

We believe at the heart of this challenge is the incongruence of federal intent of the Native Hawaiian Education Act and its program implementation. We understand the constitutional restrictions that prevent the federal government from directly providing educational services and instead, federal policies and programs must be administered through the intergovernmental system. The structure of the system thus allows multiple options for federal agencies to interpret for themselves how the program should be applied that can leave room to exclude ethical, equitable, shared responsibilty or accountability to community stakeholders. We know that collectively we can rethink a better structure. Mission defines strategy, and strategy informs structure.

ACCOUNTABILITY AND ALIGNMENT

> "The Education Council shall use funds made available through a grant under subsection (a) carry out each of the following activities: (1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the program assisted under this part. . .(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity."
>
> —NHEA, Sec. 6204(c) Use of Funds for Coordination Activities

In 2021 due to the great work of the Senate Committee on Indian Affairs, $85,000,000 of American Rescue Plan Act (ARPA) funds were secured for Native Hawaiian education (ARPA, Title XI, Sec. 11006). At a high-level, the intent of ARPA was "intended to continue combating COVID–19, bringing immediate monetary relief to households and providing resources to schools and businesses." [1] The administration of the largest infusion of government relief funds, and the largest award

made for the Native Hawaiian Education Program, was implemented in the same form and fashion as a traditional grant competition.

Native Hawaiian education program applicants encountered the same restrictions on grants, the same bureaucratic application processes, and the same grant priorities in the notice inviting applications (NIA) that were identical in pre-COVID competitions. Nothing changed. Applicants were required to complete 10 mandatory forms of which totaled—at minimum—49.5 pages: [3]

Document Type	Form Description and Number	Est. # of Pages
Preliminary Documents	Application for Federal Assistance Standard Form SF–424	3
	ED Supplemental Information SF–424	1.5
Budget Documents	ED Budget information for non-construction Form 52	5
	Budget narrative attachment form	1
Abstract	Project abstract (pdf)	1
Narrative	Project Narrative Attachment Form (pdf)	30
Other Forms	Individual resumes of project directors and key personnel (pdf)	10
	Copy of indirect cost rate agreement	1
Lobby Disclosure	Grants.gov	1
GEPA Statement	General Education Provision Act (GEPA) Form 427—Applicants are asked to include in their project narrative description of the steps they propose to ensure equitable access to and participation in its federally-assisted program	(incl. In narrative doc count)

The May 28, 2021 NIA for the Native Hawaiian Education Program describes the funding opportunity for exiting grantees and new applicants to propose projects that "address current needs in the Native Hawaiian community in connection with the COVID–19" while existing grantees "may propose either new projects to address newly identified needs in response to COVID–19" or build upon current NHE-funding activities to address pandemic impacts. [2] However, the Absolute Priorities identified in the NIA did not prioritize programs focusing on emergency or immediate COVID–19 impacts.

The administration of the $85M of ARPA funding for Native Hawaiian education through discretionary, competitive grant process advanced higher barriers for community-based organizations to receive needed funds in the pandemic. We understand community-based organizations to be agile and nimbler in responding to community needs. In challenging times of COVID–19, we needed these organizations on the ground with a continuum of services in place.

Instead, the Education Council saw a decrease in ARPA funds to community-based organizations compared to previous, pre-COVID grant allocations.

The Education Council's profile analysis of NHEP grantees from 2010 through 2018 show that 47.7 percent of awardees were Native Hawaiian community-based organizations that received approximately 63 percent of the total funding. The 2021 ARPA NHEP profile shows a reduction in awards to Native Hawaiian community-based organizations to 40 percent and an increase in awards to the State, up to 37.1 percent from 25.2 percent previously. [4]

Programs for post-secondary achievement and programs for early education in Hawaiian language medium instruction had to compete against one another for funding. Education as a whole is a living system. Each part of that system from early childhood education to college and career readiness are critical. Discretionary funding in this form causes unstable funding that impact a continuum of services for essential programs across Native Hawaiian education.

Further, our Native Hawaiian community-based organizations play a critical role in public service delivery, and in turn, this specific federal funding for Native Hawaiians plays a key component in meeting the financial needs of nonprofit service delivery organizations. The NHEP is the only federal funding specifically designated for Native Hawaiian early learning, as well as for Native Hawaiian elementary and secondary education programs. We strongly advocate that NHEP resources ensure Native Hawaiian programs can educate students in classrooms. While statute allows for other uses of NHEP funding, programs that directly touch our students and their families are of utmost importance, particularly during an emergency. Other educationrelated activities have alternative federal funding options. The statute further states that NHEP funding is intended to supplement and expand Native Hawaiian education. We recognize the capacity of the State of Hawai'i to expand its Native Hawaiian education offerings and that it also has access to sources of fund-

ing to do so that are unavailable to the majority of communitybased, NHEP-eligible organizations. For that reason, for the purpose of expanding Native Hawaiian education, we believe its most effective to ensure community-based organizations receive NHEP funds as one of the few funding opportunities available to them.

OUR ASK: ADVANCING COMMUNITY–BASED RESOURCE EQUITY

The Education Council is committed to all allies in this effort to explore funding and program access for innovation in Native Hawaiian education. We seek the Committee's assistance:

To investigate opportunities of formula funding to be included through a statutory fix or next reauthorization of NHEA for Native Hawaiian community-based programs that have successfully demonstrated long-standing program outcomes and impact in Native Hawaiian education. While funds to remain available to seed new, innovative programs through discretionary funding.

ASSESSMENT:

"The act will not meet its objectives, nor will it overcome the troubles of the Hawaiian people by simply throwing money at the problem. Success will ride on the quantity and quality of the programs implemented. The impact that these programs have on their intended beneficiaries will be the ultimate measure of the legislation's success."

—Testimony of Myron Thompson on the NHEA hearing, Nov. 14, 1979 to the Subcommittee on Elementary, Secondary, and Vocational Education and Subcommittee on Postsecondary Education, and Committee on Education and Labor, U.S. House of Representatives

The Education Council is charged to coordinate, assess, report, and make recommendations on the effectiveness of existing educational programs for Native Hawaiians, and improvements that can be made to existing programs, policies and procedures to improve the education attainment of Native Hawaiians.

For example, our preliminary findings of our impact, assessment, and learning (IAL) study for the NHEP 2020 grantees show a majority of programs target Native Hawaiian high school students (63.2 percent) to address the authorized priority of fields where Native Hawaiians are underemployed (78.9 percent). This is a vastly different funding pattern than we've seen from the last NHEP competition from 2017—2018. NHEP awardees from 2017—2018 targeted early childhood education and elementary and middle school student achievement (73 percent). Understanding why this is happening and its implications can activate formative processes towards improved support and essential resources for grantee program success.

However, the Education Council as an intermediary entity is charged with urgency through NHEA to meet these statutory mandates of program assessment, but does so without the agency to obtain such data. For each NHEP competition, the Education Council petitions the U.S. Department of Edudcation (ED) to share grantee documents, evaluation, and grantee data in order for us to engage in IAL and other effective studies to meet our statutory mandate. ED has directed the Education Council to make our request through the Freedom of Information Act that can take between 9 to 214 working days for requests and may include associated fees depending on the agency. So, the Education Council must resort to requesting grantee documents from the individual grantees themselves that necessitate an expanded timeline to our research and burdens grantees with extra report sharing duties. Data sharing barriers between ED and the Education Council delays thorough, robust, and meaningful program assessment.

Meaningful program assessment can be key in times of crisis. During the pandemic, the Education Council leveraged its research studies, analysis, and consultation with NHEP grantees to advocate for funds at the state and federal levels for Native Hawaiian education. The table below outlines our funding and advocacy request efforts and data sets we used to calculate the appropriate amount of funds.

Request to Entity	Funding Request	Funding Received	Data Source(s) to Inform Request
State of Hawai'i, Office of the Governor	$10,000,000 of CARES Act funding for Native Hawaiian Education (March 2020)	$0	Estimated from Yr. 2 and Yr3 expected grant funds dispersement of the current 2017 and 2018 NHEP grantees

Request to Entity	Funding Request	Funding Received	Data Source(s) to Inform Request
Hawai'i Congressional Delegation	$1.47B in facility replacement, renovation, repair, and deferred maintenance from American Jobs Plan for Kaiaupuni schools and Hawaiian Focused Charter Schools (May 2021)	$0	HIDOE Six-year Plan Report and HFCS Facilities Needs Survey with figures used to calculate need for 36 Hawaiian schools (19 Kula Kaiaupuni, 17 HFCS).
Hawai'i Congressional Delegation, Senate Committee on Indian Affairs	$44,000,000 for NHEP FY22 (Feb. 2021)	$38,900,000	Estimated from funding for grantee programs to address pandemic program safety protocols
Hawai'i Congressional Delegation, Senate Committee on Indian Affairs, Appropriations Subcmte. Labor, Health and Human Services, and Education; and WHAANHPI	$50,000,000 for NHEP FY23 appropriations of which includes a request for an additional $1,000,0000 to NHEC for program impact, assessment, and learning (IAL) study of NHEP 2021 grantees. (Feb. 2022)	Awaiting response	The estimate of additional $1,000,000 funds for NHEC impact, assessment, and learning study is based on current IAL study for the 2020 NHEP grantees or 23 programs, while the 2021 NHEP grantee estimate will be double due to 44 programs.

The Education Council's research, evaluation, and learning also produces an annual report of priority recommendations for grant funding and program support provided to ED each December. Yearly data collected from our statewide community consultations and grantee program evaluation conducted by the Education Council inform these priorities. The aim in sharing these priorities with ED each year is to help align and inform priority grant funding areas for Native Hawaiian education from the community level. The Council meets quarterly with ED, however the dynamics of the relationship is conducted more like grantor and grantee rather than co-researchers in supporting program success.

Shared Learning is Shared Success

The Council's approach to impact, assessment, and learning is action-oriented. It enables the Council to better understand the effectiveness of ED's grantmaking and our statutory mandates (technical assistance, coordinating activities, and community consultations) in the context in which the grantees are working, make midcourse corrections as necessary, and identify opportunities to share our insights with internal and external audiences. ED's grantmaking to Native Hawaiian education focuses on the near and medium term program outcomes through annual performance reports and evaluation reports. IAL studies, positions the Council to monitor indicators of progress and outcomes of the program as a whole over the long term. Seeking ways both the Council and ED can leverage our collaborative strengths will benefit programs and our communities.

The Council is also constrained by internal challenges when it comes to research and evaluation. NHEA allocates $500,000 each year to fund the Council directly and is optimized for all operational and programmatic expenses. As multiple factors affect the Council's research and evaluation activities (e.g., increase of grantee programs funded, changes to grantee Governmental Performance and Results Act or GPRA measures, and impacts on reporting or program execution due to a pandemic) our available budget to contract these studies becomes limited. Our current IAL study for the NHEP 2020 grantees is just under $500,000 total for FY2021 through FY 2023. This IAL study will follow the 23 grantee programs for their three year grant period for formative and summative evaluation of the program as a whole.

Our intent this year was to also start a IAL study for the NHEP 2021 grantees (44 programs) as this is the largest funding the program has received and the intent of funds are to address COVID–19 pandemic impacts. It is imperative we understand the impacts of this funding through each year of the program in order to track development or adjust for improvement. We also want to maintain a summative evaluation at the end of the grant cycle to have a clear conclusion on program efficacy. In order for the Council to engage in this work, we estimate budget funds

would need to be at least double of what we have budgeted for the NHEP 2020 IAL study.

The Council is already engaged in two major multi-year projects that account for a substantial part of our budget for 2023 and 2024 that addresses our statutory mandates of developing an online data clearinghouse of Native Hawaiian education data and the NHEP 2020 IAL study. Without additional funds, the Council is budget contrained to fulfill a comprehensive IAL study of the NHEP 2021 grantees.

OUR ASK: ASSESSMENT, ANALYSIS, AND SHARED ACCESS & LEARNING TO DATA:

The Education Council's continued work to fulfill our statutory mandate, gather high-quality data, and contribute to evidence-based policymaking for Native Hawaiian education is an essential activity. We seek the Committee's assistance:

To include new language under Administrative Provisions in the next NHEA reauthorization that directs the U.S. Department of Education to provide a copy of all direct grant applications and grantee reporting documents to the Education Council.

To allocate an additional $1,000,000 to be allocated to the Education Council for FY23 in order conduct an impact, assessment, and learning (IAL) study on 44 NHEP grantee programs awarded from the 2021 ARPA funds, the largest funding in NHEP's history.

To establish an Office of Indigenous Language and Native Hawaiian Education within the U.S. Department of Education to work with ED in meeting its Trust Responsibility as stated in the NHEA, and to support work in aligning federal reporting requirements for culturally relevant assessments and program evaluation.

To include new language in the next NHEA reauthorization to require training for all senior-level and program staff of the ED to educate them on baseline understanding of the US Trust Responsibility and the legal and political history of Native Hawaiians with the federal government in order to engage more intentional, collaborative, and mutual support for Native Hawaiian education success.

In closing, the constructs of the U.S. Trust Responsibility to Native Hawaiians is based on assets, funds, and resources held in trust for Native Hawaiians. At the same time, Native Hawaiians as a community are capable and have long demonstrated full capacity in determining their internal affairs and responsibility for their common welfare and for their future economic and social development. It is time to evolve our trust relationship to advance trust that reflects our modern times and developing challenges in order to better adapt and address immediate and emerging needs of our community. On behalf of the Native Hawaiian Education Council, we express our aloha and appreciation to the Chairman and Vice Chaiperson for leading this effort and responsibility. It is an honor to carry the work of the Education Council that so many of our community leaders, advocates, and families stood up for and have paved the way for us to be here. It is an honor to share testimony with the Committee today.

The Education Council stands ready and in full support to assist you in advancing this important work for Hawaiian communities.

WORKS CITED

1 Maruyama, L., & Hampe, M. U. (2021, September 15). The American Rescue Plan Is A Boon To Hawaii's People And Nonprofits. Honolulu Civil Beat. *https://www.civilbeat.org/2021/09/the-american-rescue-plan-is-a-boon-to-hawaiispeople-and-nonprofits/*

2 Office of Elementary and Secondary Education, Department of Education. (2021, May 28). Applications for New Awards; Native Hawaiian Education Program. *Https://Www.Federalregister.Gov/Documents/2021/05/28/2021-11497/Applications-for-New-Awards-Native-Hawaiian-Education-Program.*

https://www.federalregister.gov/documents/2021/05/28/2021–11497/applications-fornew- awards-native-hawaiian-education-program

3 Rural Insular Native Achievement Program, Native Hawaiian Education Program. (2021, July 2). Native Hawaiian Education Program Technical Assistance Webinar [Slides]. OESE.Ed.Gov. *https://oese.ed.gov/files/2021/06/NHEP-Applicant-Webinar-2021.pdf*

4 Toms Barker, L., Sanchez, R., & McLelland, C. (2021, March). NATIVE HAWAIIAN EDUCATION COUNCIL EVALUATION OF THE NATIVE HAWAIIAN EDUCATION PROGRAM: Portfolio Analysis of the 2010–2018 Grants. IMPAQ International, Inc. *http://www.nhec.org/wp-content/uploads/2021/05/NHEP-Portfolio-Analysis-AY2010-2018-Submitted-3-18-2021.pdf*

The CHAIRMAN. Thank you so much to our testifiers. I was struck toward the end of your testimony, Ms. Farden, that this is why we have the hearing. This is why are fly our staff out from Washington, D.C. is to listen. Retired Senator Barbara Mikulski used to say, "nothing about me without me." I just love that, and especially as it relates to the way people in the Federal legislature interact with Native communities. Nothing about me without me.

So before I get into my questions, I want to let you know that our staff is taking copious notes and in the spirit of solutions potluck, we will receive all of your offerings and try to get back to you. Some of this just at a technical level is not within the jurisdiction of the Senate Committee on Indian Affairs. For example, Dr. Lee, the taxable nature of scholarship revenue is something I have to fix on the Finance Committee side. So that is a bit more challenging because I am not the chairman of the Finance Committee.

But we will follow up. We will also let you know, because I think you deserve this, what we can and can't do. There is no sense in your looking for revenue that is phantom. There is no sense in me telling you that I am going to work on something if I really don't think I can accomplish it. But since you have given us a pretty big potluck, there is a lot for us to do together. So thank you very much.

I will start with Ms. Daniels. How is [indiscernible]?

Dr. DANIELS. I think like Ms. Farden's comments, I think we all struggle in finding our place with our Federal partners. I think that is the generous version of it. I think we have to come in recognizing where our strengths are and where we are not quite accustomed to their world that they have to work in. So we recognize that.

But I think we continue to push the envelope, to ask questions. If we don't, then we are not being fair to our community. But I think HRSA has its own challenges in terms of when they turn over, when there is a new administration. I think they don't quite know where to fit us as Native Hawaiian Health, because we are not an FQHC, we are not a rural health center. Although we have one system that is old.

So we don't fit into the box very well. Oftentimes we are not maybe given some of the same access as other health systems, other health sectors. So I think we have really learned to understand our role and ask our questions.

It could be waivers. Historically, we have had a very uncomfortable relationship with HRSA. But I think moving forward, we are recognizing that our work benefits our community and that is what is our motivation. So really working with HRSA to understand how we can be better partners, and then seeing what we can change in terms of administrative language, what we can change, and figuring out how we can still accomplish our work.

So I think we put the onus on us instead of putting it on them.

The CHAIRMAN. Fair enough. I would just observe that we can play a role, too. To the extent that these barriers are really internal to the civil service, and I come from a family of civil servants, so I use the word bureaucrat admiringly, there are a lot of excellent people who work in agencies.

So I don't want to just sort of rail on the bureaucracy. But when policy is made especially through statutory law, and it is already authorized, there is not the discretion to treat you like don't belong, just because they haven't figured out how the statute reads.

So to the extent that you have to fit in and adapt and be patient and work with them, that is all fine. To the extent that they are violating or ignoring the statute, that is when you should inform us so that we can say, hey, we know this is different, there is not an FQHC, as it relates to DOI, you know they are not a tribe.

There are all these conversations where we have to kind of walk folks through. I do this with my Senate colleagues, to have to explain. For example, the last mile of broadband is underwater. Trying to explain that to my colleagues from West Virginia and New Hampshire is a real challenge.

But I don't doubt that just because I have explained it to another Senator, that implementation, that you are not still struggling with difficulties that really should have been handled 20 years ago. My question is, please ask us where we can be useful without being too domineering.

Dr. DANIELS. I think I think ARPA is a prime example where it was signed in March, we didn't get it then. We didn't get a notice of award. In fact, we had to apply for our ARPA dollars even though they were appropriated to come to us. We all had to apply. So some of those things were very challenging and delayed helping our community. So those we have taken and shared with both your personal office and the Senate Indian Affairs Committee as well.

The CHAIRMAN. I have two more questions for you, Dr. Daniels. The first is about the way we are using subcontracting. The second is about tele-health. So in whatever order you want. How do you use the subcontracting, and then what is the future of tele-health?

You may know that I have been the primary author of several pieces of legislation to enable tele-health primarily through Medicare reimbursement, but also in my capacity on the Committee for Military Construction [indiscernible]. But wherever I can, within health services, wherever I can, I find that being clear, even in the international space, that tele-health absolutely is the future for equity, for high quality care, for reducing cost. Certain things can only be done in person. The universal things that can only be done in person continues to shrink.

So I am wondering how you are thinking about that.

Dr. DANIELS. So let me go back to our partner and using that. Through the Act, we have the administrative capacity to subcontract. What we have been able to do is recognize that unfortunately or fortunately, our committee or our folks believe that we are tied to our systems. What it is is, we are the oversight for our systems. Our systems are one subsection of our act.

So POL actually reaches out to the community-based organizations and we subcontract with them quite heavily. We look at our portfolio of about $2 million. A majority of that goes out through different partners, including ourmakamaka'ole, which is a small sponsorship to what I tend to call mom and pop organizations.

It is like the auntie who is running her vegan [indiscernible] with the kids in the community. They are not going to be able to write a grant. But you know what, she needs to have some water,

and they need some rakes and gloves. She is looking for $1,000. So we do those small, we do quite a bit of those smaller makamaka'oles.

Then we also do larger grants where [indiscernible], they partner with [indiscernible] fund, they are [phrase in Native tongue] program. It is a culturally based program. It is not something one of our systems does, but we can reach deeper into our community and push our dollars out further, so that it is an enhancement of the Act, but it also supports a close relationship with our systems and community partners.

So we have been doing that. I think ARPA is our biggest flagship that we are watching. Because it wasn't about giving money to 50 organizations. They had to meet criteria. They were already doing the work. Not only that, we wanted to see, and we had a range, they were across [indiscernible], small, large, but we wanted to see what they looked like in terms of capacity.

So if we had a smaller organization and they needed help in building organization, learning how to do crafts, we had partners who already knew that, that they could work together, build a cohort. But also we could insert opportunities for learning for these CBOs.

So it wasn't just about us, it was about these other partners that maybe people don't say fit into our wheelhouse. So we also started evaluating our program, because we wanted to see whether this $20 million would really give us in terms of celebrating communities, really uplifting CBOs, not just our systems.

So our ARPA dollars are split into our tier ones, which is our systems, and our tier twos, which is our CBOs. We are able to look at the data in terms of what they are collecting, how they are collecting, all of those things. We are going to do a roll-up report. This is very new for us. Because we wanted to demonstrate that we have capacity to take in large numbers, large monies from the Federal Government.

So ARPA really helped kind of invigorate what Hawaiian health could look like. Then we were able to secure money from HRSA. We were able to partner with national partners such as Morehouse [indiscernible] to get niche dollars. All of those big dollars were coming to us, not into the State. That is a change in that direction. We got it because we could demonstrate that it wasn't just the small, little [indiscernible] folks, that Hawaiians are larger than just what our systems see. So, yes.

The CHAIRMAN. I will just observe that when I am fighting for Federal funds, looking at this panel, all three of you, the challenge when you are advocating for your home State's priorities is to articulate two things. One is that it fits into the national Federal box, that part is easy. The second is to make sure that I can look my colleagues in the eye and say, they will execute, they will execute responsibly.

Because of your track record, and your growing track record, I think we are in a position to make the argument to, whether it is Patty Murray, who is the Chairman of the Health, Education, Labor and Pensions Committee, or the Chair of the Appropriations Committee, that they know that my word is my bond but also that

the organizations that we try to fund to excellent work, and they will not be embarrassed. So thank you for that.

Just quickly on tele-health. What do you see in the future for tele-health?

Dr. DANIELS. I think it is expanding. I do think we saw systems not take full advantage early on in the pandemic. But I think people are playing catch-up. Some of the areas that we are still trying to navigate is when we look at prescriptions, being able to use docs that are not in State, because then we could use locums. So if they are not able to prescribe in State, what does that look like.

So those are some areas. Another piece is the prescribing space. Also I think having folks recognize the growth of what tele-health could be and having the foresight to plan ahead in terms of equipment, so we are not saying, oh, a couple of years have gone buy, the equipment is not useful anymore. But really being thoughtful about how they do that. That is part of one of our partners, is finding the broadband mapping project, so we could understand more clearly how broadband affects Ka'u over in the south point of the Hawaii Island, how it affects up in Princeville, or [indiscernible] in Hawaii. In these rural areas, how do we help create success for them?

So yes, I think it has potential. We just have to recognize some of those little bumps and address them ahead of time.

The CHAIRMAN. A couple of closing thoughts on tele-health before I move on to Dr. Lee. First of all, we have a doctor [indiscernible] here in the University of Hawaii who has authored several pieces of legislation around tele-health. So we have some really good expertise locally. A lot of our original bills came from organizations based on Oahu. So there is room to learn from each other.

Then just one final observation is that I worry a bit that although there is a need for high-speed internet connectivity for some tele-health, there is not a need for high-speed connectivity for all tele-health. A lot of the technology is pretty low-tech, even telephonic communication, store-it-forward technology.

My favorite example is that because I grew up here, because I am always checking for moles on my shoulders to see whether everything is cool or not, I have learned now that Kaiser will let me take a picture, send it to my PCP, they email it to Derm, and then everybody saves a ton of money and time.

Those are the kinds of things that I think can precede the deployment of broadband. Broadband is spreading, and we should be working on this for health but also economic and cultural equity reasons. But in the meantime, there is a bunch of tele-health we could be deploying as we go along.

I want to linger on that disaggregation of the data effect. Because I struggle with it too. NDNQI is not a phrase that I even remember having heard before I got appointed to the United States Senate 10 years ago, because we don't lump everybody together. Now, I understand the political impetus because there is strength in numbers. So if you can form a coalition of Asian American and Pacific Islanders, that is more people, therefore there is more political clout.

But in the context of the delivery of service, it makes no sense. I am wondering if you could just articulate exactly why you feel it

is so important to disaggregate data. I remember my staff coming to me and saying, we need to disaggregate age data. I confess it took me maybe 18 months to figure out why it mattered. But now I get it, and I am interested in your articulating it for the record.

Dr. LEE. Thank you for the question. I do think there is strength in numbers and collaborations are so important. So [indiscernible] consortiums it is [indiscernible] Asian American and others [indiscernible] this is crucial.

When we are looking at data, it is so important to disaggregate the data. In my professional work, I work on pathways, so I work on helping medical students and pre-med students get into medical school. Right now, the American Association of Medical Colleges has not been disaggregating or reapplying student data. So we are clumped together with Pacific Islanders, at times with Native Americans. So you don't get a clear picture, a clear and accurate representation of where we really are.

So we are trying to work toward increasing the number of Native Hawaiian students. We have no idea where we are on that, we don't have a guide. So it is really important that the data matters. I know that our panelists have talked about having capacity to have data.

So I think part of our goal and our research is to get disaggregated data, to demand it. So the AANC has allowed us to get disaggregated data on our students. That is the first step.

When it comes to Native Hawaiian health statistics, it is also very similar. If we don't understand how our people are being affected by diseases like hypertension, vascular health, we don't have a clear picture of what is really plaguing the health of our people.

So it is really important in our community-based health [indiscernible] programs such as our hula study, we were able to do comparisons of Native Hawaiians with other ethnicities. There we got a better picture of the impact of these cultural dimensions along with modern medicine.

So it is really [indiscernible], I think, of the strengths of people. We have had a very difficult history, but we have survived. Now we are in the [indiscernible]. So I think data is powerful and data is very important.

The CHAIRMAN. One more data question. You said 4 and a half percent or so of medical students are Native Hawaiian?

Dr. LEE. Of the physician workforce [indiscernible].

[Simultaneous conversations.]

The CHAIRMAN. In Hawaii, okay. Do you have similar data for nurses or nurse practitioners, or do we not know that?

Dr. LEE. I believe there is data on nurses as well as allied health. I could provide that information to you. [indiscernible] that information.

The CHAIRMAN. I assume they are correlated maybe slightly better on your side.

Dr. LEE. Yes. There is some great work being done at the University of Hawaii School of Nursing. They have seen a boost in their Native programs [indiscernible] nurses. We have seen, it is a small move of the needle, but previously we had a 3 percent prevalence of Native Hawaiians, and now we are up to 4.5 percent. So it is slow-moving, but we are seeing that increase.

The CHAIRMAN. I assume that it is everything, right? It is educational attainment, it is money, it is pathways, it is mentorship?

Dr. LEE. Yes.

The CHAIRMAN. But if I had to guess, it is money?

Dr. LEE. That is the biggest one. So in our testimony, we really outlined what keeps Native Hawaiian students [indiscernible] higher education. It is really, 15 percent of our Native Hawaiian students under the age of 18 are in extreme poverty. When you are in a situation where you are just trying to make ends meet, your parents are working multiple jobs, the thought of college is so far beyond.

So for us, our hope is to get out to the communities, supply the families with information and to work on building financial plans for this family to ensure that the student can go on to college.

The CHAIRMAN. Thank you very much.

Ms. Farden, the Department of Education has, in my view, failed to recognize the special legal relationship between the Native Hawaiian community and the United States. Can you just, without getting yourself in trouble, articulate some of the difficulties you have experienced with NHEC as a result of this failure?

Ms. FARDEN. I think the relationship just seems to have [indiscernible] the way that we interact with the Department of Education. We want to be best friends, we are just not sure where we land. We are also treated in a way that even though there is a certain amount of lands that are allotted to the Native Hawaiian Education Council, each appropriation [indiscernible] the statutory mandates [indiscernible] technical assistance, for daily activities, and other research [indiscernible] the Department of Education views the Council as a grantee rather than a full partner or a full researcher.

The CHAIRMAN. I am sorry to interrupt, but what does the law say on that question? Do they get to view you as a grantee if you are not? Are you a grantee at the technical level?

Ms. FARDEN. I am going to say that we are in the system to get funds that way. But it doesn't say whether we are a grantee or not. The origins of the Native Hawaiian Board of Education comes from King [indiscernible], was it 1904 [indiscernible] for the Native Hawaiian Education Act, it was a movement from the grassroots themselves.

But where two or three grantees come together [indiscernible] many of them working in the education spectrum but not knowing who is working in that same sort of arena, as was mentioned on the first panel, sometimes just a coordination that needs to happen.

So the grantees asked for some sort of coordinating entity, a leader entity that can help us [indiscernible] support for the grantees themselves. These [indiscernible] before then but also support the Department of Education.

So we see the department being very well situated to monitor short-term and medium-term outcomes in the program, based on that cycle. But we see the Council better positioned for long-term outcomes, what happens after the grants come, what are the impacts on the community.

So we see our services and our as very complementary, and also very much a part of the community. We have skin in the game, ev-

erybody plays. We are hoping that the Department of Education would also be open to playing with us, too.

The CHAIRMAN. Thank you very much. You are all much more diplomatic than I am.

Let's do this just as a follow-up item for all three of you. We have a tendency to, and it is a reasonable way to operate, to openly ask for my intervention if things get in extremis, and if it gets quite bad for you to get on the phone or write that, as we say in Washington, a sternly worded letter. But I think there may be some value in kind of trying to get in front of some of these questions.

The Biden Administration has a mindset of being more open. Now, the execution on that often can't just be that the Oval Office is committed, because individuals burrow into various agencies that you work with every day. They may not be super-thrilled to have a Senator intervening on small things.

So you make your judgments about when you want me to be engaged. But I would just offer that I am willing to be engaged on the front end and maybe we can avoid some of these difficulties and clear some of the underbrush. I ran a non-profit, and I remember by small favors, it is not the big things that you need. You have these big grants, sometimes you need to unstick something, or have someone to remind an agency head or a line analyst that oh, no, the statute permits this, and this is what the health chair wants, and all the rest of it.

Allow us to try to get in front of it to the extent that it is appropriate. I also understand that you need to maintain your working relationships line to line and not feel like every time you don't get what you want you are going to come running to me, because that will create new difficulties for you. So let's try and figure out how we can get a little bit in front of this.

The most recent elementary and secondary education reauthorization changed the composition of the Native Hawaiian Education Council. How is that working? Is it going well? Tell me about that.

Ms. FARDEN. It is progressing. There is always room for improvement. I think since the last reauthorization in 2015, it took maybe three or four years to get everyone on board. So of the 15-member council, we have 11 seats filled, there are some vacancies. I think what might help in moving forward better is understanding how we recruit our Council members with the [indiscernible] that they already have. So research and innovation on language and cultural education are [indiscernible] in the research the Council does. It may not be the [indiscernible] that everyone sitting on the Council has to do.

The CHAIRMAN. I don't understand what that means.

Ms. FARDEN. Sure. So [indiscernible] played on someone's passion and [indiscernible] liberty what they [indiscernible] to already. Oftentimes there is a long onboarding process for our Council to get up to speed on what the work is, why it is important, how it impacts. Then to get [indiscernible] the actual work that we do in the community. Not only [indiscernible] but the research background, Native Hawaiian education background or policy background. But as long as we have someone who is willing to work with us.

In addition to that, I might want to also share that with the appointees to the Council as each election cycle [indiscernible] out it

is a new opportunity for us to have to reach back out to these organizations that are State institutions to name an appointee to the Council. So it is a continual cycle of onboarding-offboarding.

The CHAIRMAN. I am embarrassed, this is probably a terrible way to end a hearing, to say I don't know something. But I am embarrassed to say I don't know how the Council members get appointed. Are they gubernatorial appointments? How does this work?

Ms. FARDEN. The Council is named within the law, so it will identify educational institutions that are named in the law. So each system, the Governor might name an OHA chair, the KS CEO, for example, these are all named, as well as all of the county [indiscernible] offices are being [indiscernible].

The CHAIRMAN. I see. So then each Oahu or Maui County mayor, there is a new mayor, there is a new member. So part of the process is to make sure you don't get someone who is just close to the mayor and knows nothing about this, or whatever it be. They may be close to a mayor, but you want them to provide oversight and stability and guidance.

I really want to thank you for the work you do. We have had a bunch of hearings, this is my favorite, not just because I get to come home. But you do extraordinary work, and you make us all incredibly proud. So I want to thank all of you. I want to thank everybody for being here. I want to thank my staff.

The hearing record remains open for a couple of weeks, and we may submit additional questions for the record. The other members of the Committee on Indian Affairs may do so as well.

Thank you very much. This hearing is adjourned.

[Whereupon, at approximately 12:25 p.m. HST, the hearing was adjourned.]

UPHOLDING THE FEDERAL TRUST RESPONSIBILITY: FUNDING AND PROGRAM ACCESS FOR INNOVATION FOR NATIVE HAWAIIANS—PART 2

THURSDAY, JUNE 2, 2022

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Hilo, HI.

The Committee met, pursuant to notice, at 10:30 a.m. HST in the Lumi Pahiahia Auditorium of Hale'olelo, College of Hawaiian Language, University of Hawaii Hilo, Hon. Brian Schatz, Chairman of the Committee, presiding.*

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

The CHAIRMAN. Good morning, aloha.

This hearing of the Senate Committee on Indian Affairs will come to order. Aloha, good morning, welcome, everybody.

I really want to thank the University of Hawaii and the Hilo community for an incredible welcome, a very meaningful protocol in bringing us into this space. I want to thank you for your hospitality, I want to thank you for the work that you are doing. It is extraordinary that we are doing what we are doing in this beautiful space, which I am embarrassed to admit I had never been in. Thanks for everybody's hard work in putting this beautiful room together, including my dear friend, Dwight Takamine, who I am sure had no small role in putting this together.

Hilo is a place where rich tradition and cutting-edge innovation meet. I am interested in learning from the panelists about how you use those resources to serve the Native Hawaiian community.

The Federal Government has a trust responsibility to act in the interests of Native Hawaiians, just like it does with American Indians and Alaska Natives. That trust responsibility cannot be fulfilled if the Federal Government is not hearing directly from community leaders like you.

I always like to say, nothing about me without me. That rings especially true here. Native Hawaiian voices should always be part of the broader Federal conversation about how best to support Native communities. That is why we brought this community to Hilo, to hear directly from you about the innovative ways you are advancing Native Hawaiian education, tradition, and culture, economic development, and the arts. We want to hear about your successes, your challenges, and your recommendations for supporting a thriving Native Hawaiian community.

I will just let you know that normally, my opening remarks are around five minutes. But consistent with my goal here, which is to have a little bit more of an informal conversation and for us to de-

*Due to poor audio reception; there are several indiscernible text throughout this hearing.

velop essentially an action list for us to work on together over the next several months and years, I am going to forego my long statement and just extend a warm welcome and aloha to our witnesses.

I will introduce our first panel. First, we have Nāmaka Rawlins, the Senior Director at Hale Kipa ʻOiwi at ʻAha Punana Leo. We have Ms. Kāhealani Naeʻole-Wong, Head of School at Kamehameha Schools, Kea'au Campus. Dr. Keiki Kawai'ae'a, the Director of the College of Hawaiian Language at the University of Hawaii at Hilo. And Ms. Amy Kalili, a partner at Pilina First LLP.

I want to remind our witnesses that we have your full written testimony. It will be made part of the official record.

I normally say please keep your statement to no more than five minutes, but take whatever time you want. Ms. Rawlins, please proceed with your testimony.

STATEMENT OF NAMAKA RAWLINS, ALAKA'I, DIRECTOR, HALE KIPA ʻŌIWI

Ms. RAWLINS. [Greeting in Native tongue.] Aloha, Senator Schatz. Warm greetings to you and to those who have traveled with you to be with us here in Hilo. My name is Nāmaka Rawlins. I was born and raised in the [phrase in Native tongue] Hawaiian Home Lands and continue to reside in [phrase in Native tongue] agricultural farm lands.

I have my grandchildren, my moopuna, my grandchildren, my grandnieces and nephews, are students in the Hawaiian Medium Education program that we have here in Hilo. I want to first acknowledge too that it is a privilege to be here, to be with you, to educate and come up with some or the solutions that we have been doing here in Hilo, and to be sitting here with this panel of esteemed colleagues and friends. Even your second panel that you are going to be listening to, my dear friend Luana and some of those others that will be testifying. I think you put together some great community members to be speaking with you today.

Senator Schatz, I remember when you first visited us soon after you entered Congress. You were welcomed by our entire student body at our Keaʻau campus, our Punana Leo Hilo, our infant-toddler and our pre-school language nest, as well as our K–12 students at Ke Kula ʻo Nawahiokalaniʻopuʻu, we often call Nawahi.

We thank you also for sending, shortly after that, sending staff to come back and follow up with us, and then with the years, continue to be involved. Again, thank you for inviting me to this hearing on Upholding the Federal Trust Responsibility, and to provide these innovations and access to innovations. I gave you my testimony, so I am going to stick to my script, so that I don't go off too much.

My first point is that ʻOlelo Hawaiʻi, our Hawaiian language, is the innovation. That is what we have seen over the last 40 years, is that this is the innovation for our people and for our families. The legislation that this Committee passed and that become law, the Native American Languages Act of 1990, is the historic moment in which the United States government reversed its practice of discrimination against the use and promotion of the first peoples of this United States of America's languages, to include its use in education.

In 1990, we were there to ensure our Hawaiian medium and immersion Schools which were already operating under the State's two official languages would be protected in Federal law. We were joined by other Native Americans and Alaska Natives in getting this law passed.

E Hawaii lahui, e hoolilo i hana na kakou pakahi, ka imi ana aku i na hana e hoomau ia aku ai ka kakou olelo lahui, which translates to, "Hawaiian people, let each of us take up ways and searching ways to preserve our national language." This comes from an article published 100 years ago on April 10th, 1912, in the Hawaiian newspaper, Hawaii Holumua. There are hundreds of newspaper articles with similar views that encourage the readership to preserve the Hawaiian language.

This year, the United Nations begins the International Decade of Indigenous Languages. The global initiative seeks to highlight the important contributions of indigenous languages to the cultural diversity of peoples and knowledge systems tied to these languages. The Hawaiian medium innovation has a global reach.

I hope that your Committee on Indian Affairs, which has been so important to our overall effort to this point, will be able to help us address the maintenance and development issues for future generations. The three issues to be addressed are, one, relative to P–12 Native Hawaiian education as a whole regardless of the language in which it is delivered lacks regular Federal funding similar to other Native American educational programs. Addressing those needs can be seen as part of the overall Federal trust responsibility to Native Hawaiians.

Two, specific to Hawaiian language medium education, which is part of the larger national Native American language schools and programs is direct regular funding to address the specific and distinct language medium educational needs. Addressing the needs can be seen as mitigating the effects of past Federal policies and practices controlling the education of Native Americans, including Native Hawaiians, in boarding schools and day schools.

And three, disseminate information on best practice in assessing Native American language medium education programs and its students. The NALA should be followed and guide the Federal Government in implementing education law. Furthermore, the Elementary and Secondary Education Act, Title III, Sections 3124 and 3127 do provide legal flexibility but is never used to support the schools and programs using Native American languages in education.

I want to mention there is currently a national study of programs in Native American language medium education being led by internationally recognized expert in indigenous education, Dr. Teresa McCarty, of the University of California at Los Angeles, and including Native American professors Dr. Tiffany Lee, a Navajo of the University of New Mexico, and Dr. Sheila Nichols, a Hopi of the University of Alaska. Nawahi is one of the research sites along with a representative sample of sites who are part of the National Coalition of Native American Language Schools and Programs. My understanding is that the preliminary results are quite positive. We are hopeful that this well designed and carefully implemented

study will provide data useful to the Senate Committee on Indian Affairs and to other Federal and State and territorial governments.

[Phrase in Native tongue], mahalo nui loa, [phrase in Native tongue], thank you again for allowing me to provide testimony this morning. Mahalo.

[The prepared statement of Ms. Rawlins follows:]

PREPARED STATEMENT OF NĀMAKA RAWLINS, DIRECTOR, HALE KIPA ʻŌIWI

Aloha e Chairman Schatz, Vice Chairwoman Murkowski and members of the Committee on Indian Affairs,

My name is Nāmaka Rawlins. I am the director at the ʻAha Pūnana Leo Hale Kipa ʻOiwi program.

Senator Schatz, I remember your first visit with us soon after you entered congress. You were welcomed by the entire student body, staff and faculty at our demonstration site in Keaʻau, Puna. You were able to get a glimpse of our work in Hawaiian language medium from the pre kindergarten Pūnana Leo to grade 12 Ke Kula ʻo Nāwahiokalaniʻōpuʻu (Nāwahi). Mahalo nui again for visiting with us, for sending your staff to follow up within months of your initial visit, for your tireless work over your years in the U.S. Senate to support our vision and for holding this hearing in Hilo and for inviting me to provide testimony on "Upholding the Federal Trust Responsibility: Funding & Program Access for Innovation in the Native Hawaiian Community."

The legislation that this committee passed and become law, the Native American Languages Act of 1990 (NALA) is the historic moment in which the United States government reversed its practice of discrimination against the use and promotion of the first peoples of this United States of America's languages, to include its use in education. I believe the following thought provoking quote from the wonderful first woman Chief of the Cherokee Nation, Wilma Mankiller sums up my views on the federal trust responsibility as it relates to education. Wilma Mankiller said "I donʻt think anybody anywhere can talk about the future of their people or of an organization without talking about education. Whoever controls the education of our children controls our future."

Background History

E Hawaii lahui, e hoolilo i hana na kakou pakahi, ka imi ana aku i na hana e hoomau ia aku ai ka kakou olelo lahui which translates to Hawaiian People, let each of us take up searching for ways to preserve our national language. This comes from an article published 100 years ago on April 10, 1912 in the Hawaiian newspaper Hawaii Holomua. There are hundreds of newspaper articles with similar views that encouraged the readership to preserve the Hawaiian language.

Only three years after the overthrow of the Hawaiian kingdom, the new imposed government in 1896, enacted a law that officially declared and only recognized that the English language "shall be" the medium and basis of instruction in all public and private schools. We know that our language was in serious trouble and by the time the 1912 article was published we know that our kupuna were traumatized and physically suffered for speaking Hawaiian. This is documented in the May, 2022 Federal Indian Boarding School Initiative Investigative Report. *https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf*

In 1983, ninety years after the overthrow, dedicated to the revitalization of the Hawaiian language, the ʻAha Pūnana Leo (ʻAPL), a 501(c)(3) tax exempt organization was established. By this time even though our state constitution in 1978 declared Hawaiian and English official languages, the remaining speaker count dwindled and included less than 50 children below the age of 18, elderly kupuna most being 70 years and older from rural districts and the small population from the island of Niʻihau. The ban on Hawaiian was in effect through the territorial period and continued into statehood. Our Hawaiian language newspapers discontinued as our native speaking population dwindled. The ʻAPL's vision is *E Ola Ka ʻŌlelo Hawaiʻi*, the Hawaiian language shall live sought to reverse language loss and to return our language to our homes. We established Pūnana Leo or language nests as full day exclusive use of Hawaiian at the optimal time of child development and language acquisition. The keiki became fluent speakers within 3–4 months. In 1986 we were successful in removing the barrier and changing the law to recognize Hawaiian language use in public schools, reversing the ban established during the Republic of Hawaii. We then took our Pūnana Leo model of full use of Hawaiian into

public schools starting at two sites on Hawai'i and O'ahu. Our 'APL grassroots movement will be celebrating its 40th anniversary next year. Our Pūnana Leo or language nests are the longest standing indigenous language medium early learning program in the United States. The 'Aha Pūnana Leo is recognized nationally and internationally for Native language revitalization in indigenous education and care. Together with our consortium partners we deliver a successful model of preschool through adult Hawaiian language programming. The *Hawaiian Language College* partner offers a full array of degrees in Hawaiian language and culture from the B.A through doctoral program. The college also provides for designing and accommodating a professional development program for Pūnana Leo instructional staff that responds to our curricular and instructional priorities. The 'APL statewide preschool system is a laboratory program of the college. *Ke Kula o Nāwahīokalani'ōpu'u (Nāwahī)* is our public charter k-8 and public DOE grades 9–12 partner, also a laboratory program and teacher training site of the college. The Nāwahi high school component is a program within Hilo High School in the Hilo-Waiakea Complex Area. Together with our partners we share the same educational philosophy, Ke Kumu Honua Mauli Ola. Our aligned preschool curriculum and kindergarten literacy goals ensure school readiness of Pūnana Leo preschool graduates. We are committed to ensuring high literacy rates for all students. In addition, the 'APL administers 13 infant, toddler and preschool programs across the state. The sites are located on Hawai'i, Maui, Moloka'i, O'ahu and Kaua'i. Our infant toddler program is temporarily closed due to the pandemic and need to reshuffle for adequate staff ratio and room to accommodate licensing guidelines. We look forward to starting the Hi'i Pēpē infant/toddler program again when appropriate.

Amplify Our Voice

The Native Hawaiian community has unique linguistic needs to learn, perpetuate, and speak 'olelo Hawai'i. Our language is a lens through which our people understand our identity, culture and history that ties us to our ancestors and carries us forward to future generations. We recognize access to our language and culture as a basic human right for our people. Our language is the innovation and strategy for improved outcomes in academics, social and physical well-being for our keiki.

Since 1978, Hawai'i was the only state with two official languages until 2014 when Alaska declared all 20 Alaska Native languages as official. And, in 2019, South Dakota declared its Indigenous Lakota-Dakota-Nakota language group official.

Pūnana Leo preschoolers have graduated from public Hawaiian medium charter and DOE immersion schools, public and private English medium schools. The data that I share is from the laboratory school partner Nāwahi as students are followed from our infant/toddler program through grade 12. Nāwahi includes two satellite site campuses in Waimea on Hawai'i and Wai'anae on O'ahu. Those programs, Alo Kehau I Ka 'Aina Mauna and Ma'ilikukahi were initiated by the community as parents wanted for their Pūnana Leo keiki to have a continuation of the Hawaiian medium language pathway. A milestone for us this year, in 2022, includes the first three pepe/babies from the infant/toddler Hi'i Pepe program. The three are also the hiapo or first born in their families. Younger siblings attend Nāwahi and their families represent the growing number of families across the state that want support for the Hawaiian medium pathway.

Native Hawaiian Language Medium Education Success and Challenges

My testimony is focused on preschool to grade 12 Native Hawaiian language and culture education with a particular focus on Hawaiian language medium education (HME). I will connect HME to the larger national movement of Native American language medium education among American Indians, Alaska Natives, and Native American Pacific Islanders. My familiarity with Native American language medium education is based on hosting numerous fellow Native Americans from the continental US states and territories in their visits to learn about our work in HME. Through those relationships I was encouraged and was elected to serve on the Board of the National Indian Education Association and continue to serve on its adhoc advocacy committee. I was also called to serve on an international indigenous peoples led NGO, Pawanka Fund that supports indigenous peoples throughout the seven United Nation regions of the world to maintain vital cultural traditions. Specific to Native American language medium education, I am the Vice President of the National Coalition of Native American Language Schools and Programs. The Coalition was founded as the result of a gathering of Native American language medium schools held here in Hilo in 2014.

Native Hawaiian Language Medium Education has been a huge success—indeed, I would venture to say that it is the most successful educational effort for Native American children aged 0 to 18 in the United States.

Our hope is that your Committee on Indian Affairs, which has been so important to our overall effort to this point, will be able to help us address the maintenance and development issues for future generations. Listed below are challenges to overcome:

1. Relative to P–12 Native Hawaiian education as a whole regardless of the language in which it is delivered lacks regular federal funding similar to other Native American educational programs. Addressing those needs can be seen as part of the overall federal trust responsibility to Native Hawaiians.

2. Specific to Hawaiian language medium education, which is part of a larger national constellation of Native American language medium education is direct regular funding to address the specific and distinct language medium educational needs. Addressing those language specific needs can be seen as joining with the Native American language medium education practitioners in mitigating the effects of past federal policies and practices controlling the education of Native Americans including Native Hawaiians in boarding schools and day schools.

3. Disseminate information on best practice in assessing Native American language medium education programs and its students. The NALA should be followed and guide the US Department of Education in implementing education law. Guidance to states and BIE on their education plans that promote best practices as provided by law expressed in Section 105 of NALA. Furthermore discriminatory assessments ignore specific legal terminology in the Elementary and Secondary Education Act in Sections 3124(3) and 3127 that provide for assessments through Native American languages.

The above challenges have had a major impact on the implementation and spread of Native American language medium education in the U.S. as a whole and also here in Hawai'i. Fortunately, here in Hilo, we have been able to make major progress through a combination of perseverance, strong leadership, and state legislative support for distinctive structures outside the standard P–12 system. We have been able to produce the following four highly noteworthy outcomes:

1. Hawaiian language medium education has produced very high academic outcomes, that is high school graduation and college going rates, for students who because of their ethnicity, economic circumstances and language background have been identified in state data and studies to have very low academic outcomes.

2. Hawaiian language medium has produced very high social engagement outcomes, that is high participation in the larger Hawai'i state community in a wide variety of areas that positively impact on the overall wellbeing of our state.

3. Hawaiian language medium education has produced a noticeable level of interaction with the larger global community of nations as model representatives not only of Hawai'i but of the United States as a whole.

4. And, Hawaiian language medium—which began as a movement to revitalize the Native Hawaiian language is succeeding in that language revitalization goal. It is thus reversing the negative impact of past ill advised federal policies and practices that led to near extinction of the Hawaiian language and the many aspects of Hawaiian culture that depend on the language for their full survival.

Similar outcomes are being realized in other programs in Hawai'i and in Native America, especially when following the Indigenous language and culture-based education model.

OUTCOME #1 ACADEMIC EXCELLENCE

The first of the four outcomes that distinguish the Hawaiian language medium program at Nāwahi is academic excellence. That academic excellence is reflected in the major goals sought by the federal Elementary and Secondary Education Act—high school graduation and preparation to enter college or the workforce.

Since the first graduating class in 1999, Nāwahi has recorded a 100 percent high school graduation rate and consistently exceeded the college going rate of the state public schools average for all ethnic groups. These accomplishments have been for students who come largely from Native Hawaiian ethnicity, lower socioeconomic backgrounds, and from homes and an educational environment that leads them to be characterized by the federal government as educationally at risk "English Learn-

ers". For instance, in 2020, the rate of college entrance for Native Hawaiians statewide was 35 percent according to the Hawai'i Data Exchange. Nāwahi graduates college entrance was 69 percent in 2020. Since the first graduating class, Nāwahi graduates have college entrance rates between 70%—80 percent. In 2020, the state graduation rate was 86 percent the highest ever recorded in the state. Nāwahi graduation rate has consistently been 100 percent.

By high school, Nāwahi students have developed strong study habits and the "lawena" or Native Hawaiian values-aligned behavior that enhances their ability to perform academically in the school's college preparatory high school curriculum.

The Nāwahiokalani'ōpu'u college preparatory program is inclusive of students with individualized educational plans. It provides an opportunity for early college that is accessed by the majority of its high school students. A majority of Nāwahiokalani'ōpu'u students graduate with over 24 college credits as well as an undergraduate certificate in Multidisciplinary Hawaiian Studies. Their college coursework provides a means for them to fulfill such common general education requirements as World History and Statistics. Those credits provide the means for eliminating a year off the standard four years for graduating with a baccalaureate degree in Hawai'i and out-of-state universities. Besides our own University of Hawai'i system, among the universities that have enrolled Nāwahiokalani'ōpu'u students are Stanford, Northern Arizona University, Dartmouth and Loyola Marymount.

OUTCOME #2 POSITIVE SOCIAL ENGAGEMENT WITH THE LARGER COMMUNITY

The second outcome—high social engagement in contemporary Hawai'i and the United States. The Native Hawaiian cultural perspective that permeates schooling at Nāwahi encourages students to learn outside the school first from family members and then from the broader community and world. That philosophy and the social interaction that it promotes has resulted in strong integration with the rest of Hawai'i and the world, in spite of limited financial means.

Here are a few examples. Nāwahi graduates work in medicine, the media, private business, conservation, government service, technology and various levels of education. While in high school they participate with Hilo High School's English medium students in extracurricular activities. They are especially well represented in athletics and have represented Hilo High School as team captains and Big Island Educational Federation players of the year in a number of sports.

On a national level a Nāwahi graduate has won three Grammy Awards in the Regional Roots category. Two Nāwahi elementary students have won national titles in pageants. One for Little Miss Tourism and the other for Miss America Elementary Sixth Grade.

OUTCOME #3 INTERACTION WITH THE GLOBAL COMMUNITY

Our model of multilingual multidialectal Hawaiian language medium education at Nāwahi produces proficiency in Hawaiian Standard English and Hawai'i Creole English, but it also teaches foreign languages and cultures to direct student attention to the larger world of which we are a part. Not only is the contemporary world shrinking and becoming more connected. Contemporary Hawai'i and the families of the Native Hawaiian children enrolled are the product of generations of extraordinary interaction by Native Hawaiians for generations.

Before students are taught their first course in Standard English in grade 5, we begin teaching what we call "heritage languages" that connect Nāwahi students to their non-Native Hawaiian ancestors and neighbors. Oral and written Japanese is taught from grades 1 through 6. One of our Nāwahi graduates spent three months of her junior year in a high school on a small island in Japan where there was only one proficient speaker of English. She is now in her junior year at Dartmouth. We hope to be able to afford to send more students to attend schools in Japan and elsewhere in the world.

Until we lost our Chinese teacher as a result of turmoil in Hong Kong, in middle school all children were studying Chinese as a heritage language building from the Japanese program in the lower grades. The focus of our school on Japanese and Chinese is because those two ethnic groups are the major plantation immigrant populations that have contributed to the Native Hawaiian community.

We have also experimented successfully in honoring the Portuguese, Puerto Rican and Hispanicized Filipino heritages of students and the broader Hawai'i community through teaching Latin in grades 1 through four. We have also found Latin to be an especially useful bridge to English and understanding the larger Western European heritage of Hawai'i. In all our heritage language programs, and as with all course work at Nāwahi the classroom language is Hawaiian with the other language used for specific written products and oral recitation.

Any Hawaiian speaking child already has had considerable experience with those who speak languages other than Hawaiian by the time they enter kindergarten. Certainly they have heard Hawai'i Creole English and Standard English and have seen written English, if they are not already fairly proficient orally in those languages. Hawaiian speaking students are therefore open to languages. Furthermore the Hawaiian cultural perspective used at Nāwahiokalani'ōpu'u emphasizes honoring ancestors—one's own ancestors and those of others.

Research into multilingual children shows that if you speak two languages, it is easier to learn a third and a fourth. This is certainly the case for Nāwahi students. Among graduates of Nāwahi is a student who went on to graduate from college in three years with a B.A. in French and Spanish and then continued on to graduate school in education. Another graduate worked for a magazine in Italy. Graduates have also participated in the Peace Corp where they have been recognized for their ability to learn what are considered difficult exotic languages such as Kazakh and Malagasy.

OUTCOME #4 HAWAIIAN LANGUAGE REVITALIZATION SUCCESS

Finally, Native Hawaiian language revitalization, the initial motivation for this movement. I'd like to share some news highly important for the continuity of distinct Native peoples. Four decades ago when our work began there were no children speakers or whose first language was Hawaiian on this island. Today, according to the U,S. Census Bureau, Hawaiian is the largest non-English language spoken among children in homes on this island. It can also be heard increasingly on the streets and in stores as parents use the language with children in public places. Hawaiian is again becoming the normal first language of an important portion of the Native Hawaiian population.

Most of today's parents who are raising their children as Hawaiian speakers in the home are second language speakers of Hawaiian who mastered Hawaiian to a high level of proficiency through intensive college courses or through being educated in a Hawaiian medium school themselves.

Today's Hawaiian speaking parents face a huge challenge in maintaining Hawaiian among their children. As happened among the last remnants of "home" Hawaiian speaking children in the 1930s and early 1940s, today's children raised as Hawaiian speakers tend to refuse to speak Hawaiian to their parents if they leave HME and become enrolled in an English medium school. There is the desire to be like the other monolingual English children and to fit in.

Hawaiian language medium schooling provides a place where all children speak Hawaiian. It therefore serves a protective function for families that are trying to maintain Hawaiian in the home. Hawaiian language medium education also provides a pathway for other parents to give their children the gift of the Hawaiian language, a gift lost in earlier generations of their families through the actions of the government. Those children can bring Hawaiian back into the home and help parents learn the language as well.

I want to emphasize that in normalizing Hawaiian, our movement is not abandoning Standard English. Furthermore we are not abandoning Pidgin, that is Hawai'i Creole English, an important lingua franca of interethnic interaction that draws together all segments of our highly diverse state.

We assure through our course work and overall program that products of Hawaiian language medium education have proficiency in Hawaiian, Standard English and Hawai'i Creole English. Ours is a multilingual and multidialectal model of education that is based in primary identity with Native Hawaiian culture as expressed in the Native Hawaiian language. Students graduate from high school with the ability to use the Hawaiian, Standard English and Hawai'i Creole languages in any aspect of life in contemporary Hawai'i. Reflecting, however, our base in Hawaiian, all class discussions, all school operations and all school administration in our demonstration laboratory P–12 site Nāwahiokalani'ōpu'u is through the endangered Hawaiian language.

In teaching standard English at Nāwahi, we follow a European model that assumes increased access to actual use of Standard English through globalized use of English in the media, Internet, travel, and business. We begin our eight year program of Standard English study in grade 5. By middle school students are using English medium on-line and printed resources to write papers and prepare their oral presentations in both Hawaiian and English. This process continues through high school. We find that insisting on a base identity in Hawaiian and an approach to English as a tool to interact with the larger world actually improves student attitudes toward mastering Standard English. Those attitudes are a key factor in our success in teaching students Standard English. Indeed, our English courses focus on English literature and culture as used outside Hawai'i in the rest of the United

States. Hawaiian literature and cultural material is taught through Hawaiian, especially in our P–12 Hawaiian language arts stream.

Nāwahi also provides students the opportunity to formally study the structure and vocabulary of Hawai'i Creole English. This is done in high school through dual enrollment in linguistics-based college courses at the Hawaiian language college. Those courses were developed with federal funding and include a two semester contrastive study of the features of Hawaiian relative to those of Standard English and Hawai'i Creole English. These courses draw student attention to features of Hawaiian are found in Hawai'i Creole English and how Hawai'i Creole English has served to preserve Hawaiian cultural elements during the many generations under which Hawaiian itself had been suppressed.

This contrastive study of the three languages helps students strengthen their Standard English and their Hawaiian and it raises their pride in the Hawaiian derived features of Pidgin that has brought Hawai'i's multiethnic peoples together as one community. The demonstrated use by Nāwahiokalani'ōpu'u teachers of Hawaiian, Standard English and Pidgin with different adults visiting the campus as well as off campus models the linguistic future sought by our movement.

Our multilingual and multidialectal Hawaiian language medium education model aligns to those of small distinctive European and East Asian communities with high performing multilingual populations: Examples are Finland, Singapore and the Frisian area of the Netherlands.

NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION RELATIVE TO DUAL LANGUAGE IMMERSION EDUCATION.

The ability to interact well with other cultures is touted as a benefit of "dual language immersion" and "foreign language immersion education". I want to point out the difference between the terms "dual language education/immersion" and "Native American language medium education", before continuing to other positive outcomes of "Native American language medium education".

"Dual language/immersion education" as becoming increasingly common in the United States has many similarities to "Native American language medium education", however, there are important differences. The most obvious similarity is the use of a non-English language to teach academic content. There are also similarities in the effect of such education on the brain. Proficiency in two languages has a positive effect on the brain. It also produces positive attitudes toward linguistic and cultural diversity.

The differences are not insignificant, however. First of all the key purpose of Native American language medium education is to revitalize an endangered language. That goal is focused on a benefit to an entire people whose distinctive political identity is tied to that Native American language. Mainstream American Dual language/immersion education is focused on foreign and immigrant languages. The goal is primarily to benefit individual students rather than serve as a means to maintain a nationally identified political group. Foreign languages have homelands where they hold distinct political status outside the United States. Those foreign countries are responsible for the survival and growth of the non-English languages used in those programs. Native American language survival is the responsibility of the United States working together with Native American peoples.

Because of the difference in goals relative to the survival of the non-English languages, Native American language medium programs use much more of the non-English language than dual language/immersion programs. By federal law, Native American language medium education must be conducted in the Native American language over 50 percent of the time. Many dual language programs begin at half the day in English, rather than the target non-English language, and typically all use the non-English language considerably less than half the day by middle school. Nāwahiokalani'ōpu'u is 100 percent taught through Hawaiian. Even English and Japanese are taught through Hawaiian, although students recite and write assignments through English and Japanese.

Research into dual language/immersion has shown that a higher level of use of the non-English language results in high proficiency in the non-English language without negatively impacting ultimately high English proficiency. Indeed, the higher the proficiency in the non-English language, the greater the overall cognitive and other benefits.

THE BROADER PICTURE OF NATIVE HAWAIIAN EDUCATION BEYOND OUR DEMONSTRATION SITE AT NĀWAHIOKALANI'ŌPU'U

While Nāwahiokalani'ōpu'u and the Pūnana Leo preschool located on its campus serve as our demonstration laboratory school site, it is important to provide a picture of the larger Native Hawaiian Culture Based Education Movement statewide and the larger Native American Language Medium Education movement nationally.

Both face lack of access to regular federal support of the sort available to mainstream American Indian education.

Statewide in Hawai'i there are nearly 4,000 students enrolled in Hawaiian medium/immersion students in standard DOE sites (including the Nāwahiokalani'ōpu'u program of Hilo High School). These schools and programs are distributed over 27 campuses. *https://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/HawaiianEducation/Pages/Hawaiian-language-immersion-schools.aspx*

A significant portion of Hawaiian medium/immersion students are enrolled in six charter school campuses. Indeed for several communities outside Honolulu and Maui Island the only available access to Hawaiian language medium education in its entirety or at certain grade levels is through charters. In s/y 2020–2021 Hawaiian language medium/immersion enrollment in charters was approximately 1,200 students.

English medium Hawaiian culture based education is most developed in what we refer to as Hawaiian Focused charter schools. Because the state constitution requires that publicly funded education teach Hawaiian language, culture and history, but with no definition of exactly what that entails it is difficult to determine an English medium Hawaian culture-based school. For the purposes of this hearing, I will define as English medium Hawaiian culture-based charters as those identified by the Office of Hawaiian Affairs. In s/y 2020–2021 the total enrollment in the 12 OHA identified English medium Hawaiian focused culture-based charters was approximately 3,425 students. One charter school on Moloka'i has two language pathways and enrolled a total of 309 students in s/y 2020–2021.

NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION THROUGHOUT THE UNITED STATES

In my capacity as Vice President of the the National Coalition of Native American Language Schools and Programs (NCNALSP) I serve schools and programs similar to that of the Pūnana Leo and Nāwahiokalani'ōpu'u taught through languages identified as Native American language in the Native American Languages Act of 1990. The NCNALSP has identified programs in 17 states (Massachusetts, New York, North Carolina, Wisconsin, Minnesota, South Dakota, North Dakota, Oklahoma, Wyoming, Montana, Colorado, New Mexico, Arizona, Idaho, Oregon, Alaska, Hawai'i. and one US Pacific territory (Guam) that are stable providers of Native American language medium/immersion education. Such stability means providing over 50 percent of the day through a Native American language in at least the lower grades of the program. Other programs are in the process of developing but have not had more than a year or two of stable existence.

Many programs begin at the language nest or preschool level and some are still at that level. Others have begun at the elementary level or moved into it. A few have reached middle school. Currently none other than programs in Hawai'i are being operated at the high school level. The NCNALSP estimates that there are some 6,000 children enrolled with the majority being in programs in Hawai'i.

The number of different languages involved, including both established and establishing programs is currently between 20 and 25. It is not uncommon for different programs to use different dialects of what linguists consider a single language. This is due to related peoples having separate sovereignty in different political units. The difference in dialects is reflected in differences in vocabulary, pronunciation and spelling systems. This is part of the reason why assessments need to be aligned with the curriculum of individual schools following ESEA section 3127 and ESEA section 3124(3).

There is currently a national study of programs in Native American language medium education being led by internationally recognized expert in Indigenous education, Dr. Teresa McCarty of the University of California at Los Angeles and including Native American professors Dr. Tiffany Lee (Navajo) of the University of New Mexico and Dr. Sheila Nichols (Hopi) of the University of Arizona. Nāwahiokalani'ōpu'u is one of the research sites along with a representative sample of sites who are part of the NCNALSP. My understanding is that the preliminary results are quite positive. We are hopeful that this well designed and carefully implemented study will provide data useful to the Senate Committee Indian Affairs and to other federal, state, territorial and tribal government entities.

Federal Trust Responsibility

Public law 103–105 signed by President Clinton in 1993 acknowledges the United States involvement in the illegal overthrow of the sovereign Hawaiian nation under rule of Queen Lili'uokalani. *https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf*

Public law 103–105 was signed 100 years after the 1893 overthrow and apologizes to Hawaiian people. The first act of Congress on behalf of the Hawaiian people after the insurrection in 1920 was the Hawaiian Homes Commission Act. The legislation championed by Prince Kuhio Kalaniana'ole set aside 200,000 acres of the 1.8 million acres ceded to the United States for the rehabilitation of native Hawaiians. Public law 103–105 lays a foundational understanding of federal trust responsibility and subsequent federal legislation and programs enacted specifically benefitting Native Hawaiians besides the Hawaiian Homes Commission Act include the Native Hawaiian Education Act, the Native Hawaiian Health Care Improvement Act, and Title VIII of the Native American Housing and Self Determination Act. In addition, Native Hawaiians share status with American Indians and Alaska Natives in a myriad of federal statutes: the Native American Grave Protection and Repatriation Act, the American Indian Religious Freedom Act, the National Museum of the American Indian and the Native American Veterans Memorial Act, to name a few.

The Native American Languages Act specifically addresses the first languages of America. The Hawaiian language is a Native American language. The preservation and revitalization of the first languages spoken in the lands that comprise the United States of America is a federal trust responsibility. These indigenous languages are a part of our national heritage, national identity and global citizenship. We must work together to ensure that Native American languages remain living languages into the future.

Mahalo nui loa for hearing my testimony.

ADDENDUM

INTRODUCTION TO HAWAIIAN LANGUAGE INNOVATION SYSTEM IN HAWAI'I

'Aha Pūnana Leo, Inc. or translated as a "language nest organization"; the state of Hawai'i Hawaiian language college located at the University of Hawai'i at Hilo and Ke Kula 'o Nāwahiokalani'ōpu'u (Nāwahi) public k-8 charter school and 9–12 DOE school. Together, these entities represent the Hawaiian language medium education from a preschool through doctorate or P–20 model in the state of Hawai'i. Significant milestones in our state include over 40 years as an official language status and nearly 40 years since the establishment of the 'Aha Pūnana Leo. The P–20 model is the most developed education program in a Native American language and offers in the state of Hawai'i a Hawaiian language medium pathway, with special strengths in early childhood program delivery, secondary programming, teacher training and certification, assessments in our native language, and graduate education offered all through the Hawaiian language.

'Aha Pūnana Leo ('APL) administers 13 statewide early childhood education center based language nests for preschoolers as well as 2 infant and toddler language nest centers with babies as young as 9 months. The 2 infant and toddler language nest programs are suspended during covid. There are over 325 children and their families annually in our language nests program. The University of Hawai'i at Hilo's Hawaiian Language College provides B.A. M.A. & Doctoral degrees, an indigenous teacher education certification, a laboratory school program including the k-12 Nāwahi, the state's Hawaiian language curriculum and testing center, Hale Kuamo'o and Mokuola Honua: Center for Indigenous Language Excellence a joint 'APL and language college initiative. The P–20 continuum is a promising model of Native American language revitalization, reversing language loss while exceeding the nation's Native student high school graduation rate and college admission rate.

EFFORTS FOR CONTINUUM IN EDUCATION

The children from the Pūnana Leo were in high school in 1996. With the support of the Office of Hawaiian Affairs, 'APL purchased a former private school and moved to the campus 11 miles from Hilo, in Kea'au, in the district of Puna in 1995. In 1997, the state legislature passed the law that established the Hawaiian language college at the University of Hawai'i at Hilo. This college designation also established a teacher training and certification program and a laboratory school program of the college. Ke Kula 'o Nāwahiokalani'ōpu'u (Nāwahi) was also named in the law to serve as a laboratory school and teacher training center. The law allowed for other sites to become laboratory sites as well. We were already training teachers at Nāwahi so this designation was appropriate. Two years later in 1999 we graduated the first cohort of high school students to have been educated entirely through the Hawaiian language.

Nāwahi is the demonstration site of innovation and best practices in Hawaiian medium education. Since 1999, we have had a 100 percent graduation rate and an average of 80 percent college attendance rate. Our graduates are part of the pro-

gram within the DOE high school 11 miles away. Nāwahi graduates have received distinguished awards and served as valedictorians, state athletic champions and have been dual enrolled at the university of Hawai'i's campuses at the community college, arts and sciences and Hawaiian language college.

In 2017, the Board of Education passed its Seal of Biliteracy policy. The awards are given upon graduation to students who demonstrate a high proficiency in both of the state's two official languages (English and Hawaiian) or either of the state's two official languages and at least one additional language, including American Sign Language. In its inaugural year, only 36 seals were awarded statewide. Nāwahi students received 12 of those awards. Nāwahi students are multi-language learners. We have been teaching the Japanese language since 1994. We introduced Latin at the middle grades and recently experimented with teaching Latin in grades 1—4. Our students have attended and graduated from prestigious colleges from Stanford, Loyola Marymount and our own University of Hawai'i and one is a professor of English at Oxford.

NAWAHIOKALANI'OPU'U CLASS OF 2022 ACCOMPLISHMENTS (chart retained in the Committee files.)

EXPLANATORY NOTES:

1. The Native Hawaiian students at Nāwahiokalani'ōpu'u are part of the single largest racial/ethnic group in state HIDOE public and charter schools, where they represent some 26 percent of all students. Nāwahiokalani'ōpu'u has no racial/ethnic criteria for enrollment, however, non-Native Hawaiian students typically make up no more than 5 percent of the Nāwahiokalani'ōpu'u enrollment. Most non-Native Hawaiian students at Nāwahiokalani'ōpu'u are, like the Native Hawaiian students, multiracial. Within public and charter schools as a whole Native Hawaiians are a racial/ethnic group with a significant achievement gap.

2. Nāwahiokalani'ōpu'u operates as a Hawaiian language medium school (HRS 304H 1–7) designed for students entering school as Hawaiian speakers. Under ESEA such students are classified as EL if Hawaiian is their first language, the language most used in their home, or the language most used by the student. However, the state of Hawai'i does not officially record Nāwahiokalani'ōpu'u students as EL with EL services unless they transfer to a state English medium school.

3. Nāwahiokalani'ōpu'u is by law a laboratory school of the Hawaiian language college (HRS 304A 1301–1302). The enrollment at Nāwahiokalani'ōpu'u as a whole is 535 (P–12). The Nāwahiokalani'ōpu'u elementary and middle school programs are operated as a charter school and explore ways to better adapt charter schooling to Hawaiian language medium education. The Nāwahiokalani'ōpu'u high school program operates as an off-campus Hawaiian language medium program of Hilo High School and explores ways to better adapt standard public schooling to Hawaiian language medium education. Funding for its students goes to Hilo High School. At the preschool level, Nāwahiokalani'ōpu'u operates a program that bridges a state charter operated program and the Native Hawaiian non-profit 'Aha Pūnana Leo operated infanttoddler program and language nest preschool exploring ways that such cooperation can benefit students in the state. Nāwahiokalani'ōpu'u also serves as a training site for student teachers from the College's Hawaiian language medium teacher education program.

4. The Nāwahiokalani'ōpu'u senior class of 30 is part of the larger Hilo High School class of 263.

5. The Nāwahiokalani'ōpu'u high school program is located on a distinct campus in the Puna District thirty minutes from the Hilo High School campus. Nāwahiokalani'ōpu'u students participate with other Hilo High School students in athletics and extracurricular events (e.g., prom, commencement).

6. Nāwahiokalani'ōpu'u has consistently outperformed the state average in high school graduation since its first graduation in 1999. That was the first class graduating from a Hawaiian language medium school in over a century. The state of Hawai'i high school graduation rate as an average for students of all races has been 83%-86 percent, for Native Hawaiian students at around 79 percent.

7. Nāwahiokalani'ōpu'u has a long history of outperforming the state average in direct enrollment in college. The college going rate directly from high school for Hawai'i public schools as an average of all races is approximately 50%-55 percent, with the rate for Native Hawaiian students at 35%-44 percent. Nāwahiokalani'ōpu'u's students have been able to enroll in out-of-state universities as well as the state Hawaiian language college and other state tertiary institutions. Among out-of-state universities from which Nāwahiokalani'ōpu'u students have graduated are Loyola Marymount, Northern Arizona and Stanford.

8. Students who demonstrate readiness for Nāwahiokalani'ōpu'u's early college program are enrolled in Hawaiian language medium courses that allow completion

of one of two certificates offered by the University of Hawai'i at Hilo, either a) the Hawaiian Culture Certificate (19 credits no less than 10 at the 300 level or higher) or b) the Multidisciplinary Hawaiian Studies Certificate (26 credits with no less than 10 at the 300 level or higher).

9. Among the sports in which these Nāwahiokalani'ōpu'u seniors have participated are football, girls and boys soccer, boys basketball, girls and boys volleyball, girls softball, track and field, riflery, Hawaiian outrigger canoe paddling, boys wrestling.

10. Hawai'i's requirements for the Seal of Biliteracy include a 3.0 overall high school grade point average, a 3.0 grade point average in Language Arts classes in an official state language (English or Hawaiian) and passing a national on-line assessment of another language at the equivalent of ACTFL Intermediate Mid. All Nāwahiokalani'ōpu'u students who have met the grade point requirements for the Seal and who have chosen to take the on-line assessments for the Seal have passed the assessment. Nāwahiokalani'ōpu'u students use a 3.0 grade point average in Hawaiian language arts as their base and take an on-line assessment in another language (typically English) for the seal. Since the initiation of the Seal in 2017, Nāwahiokalani'ōpu'u students have comprised a considerable percentage of awardees statewide.

11. Hawai'i requirements for an honors certificate include a 3.0 overall grade point average, no less than two credits at the AP or college level and completion of one or more distinct courses of study as described at *https://www.hawaiipublicschools.org/TeachingAndLearning/StudentLearning/GraduationRequirements/Pages/Requirements.aspx.*

12. Hawai'i requirements for the valedictorian designation are an overall 4.0 grade point average and meeting the requirements for an honors certificate.

HEALTHY FAMILIES; HEALTHY COMMUNITIES

In 2016 a new research linking positive health outcomes in Native American communities to native language revitalization holds promise and best practices for improving the mental and physical health of those who participate in these programs. There is data that shows a return to native spirituality that improves treatment results for substance abuse and addiction. The native language holds the key to the practices related to spirituality and identity. Daryl Baldwin, director of the Myaamia Center at Miami University and co-author in the research states that "Language transmission is a particularly effective means of reinforcing culture and identity within a community." He further states that "language is also an efficient means of reinforcing membership or inclusion in a community." ("Healing through language: Positive physical health effects of indigenous language use" (F1000 Research 2016))

We have seen the ownership of programming as a positive outcome for our children and families. These are "our" schools. Pride, self esteem, self worth, self identity and identity to a community are reflected in the decision to be a part of a community movement to revitalize a language.

The Native American Languages Act of 1990 provides the framework to ensure and support the survival of Native American languages. Language survival comes from the use of the language or the will of the people. The congress can assist by allowing statutory flexibility to align and support best practice. We do not want to disadvantage our Native American language medium programs by creating barriers including measures of success similar to the very same measures for programs that continue to fail our children. The numerous research and studies on behavioral science lists several factors in promoting positive social behavior, academic success, emotional well-being, physical health and positive relationships for positive youth development. Native American language use is a best practice in promoting all of these factors for our children and even our families. Our own languages describe our world and our relationship to all our surroundings. It is our own language that provides for a healthy mind, a healthy spirit and a healthy body.

The CHAIRMAN. Thank you very much.

Ms. Nae'ole-Wong, please proceed with your testimony.

STATEMENT OF KĀHEALANI NAE'OLE–WONG, HEAD OF SCHOOL, KAMEHAMEHA SCHOOLS

Ms. NAE'OLE-WONG. Aloha nui, Chairman Schatz, Vice Chairwoman Murkowski, and members of the Committee on Indian Af-

fairs that are joining us online, and to all the staff members and lahui who are present today. Aloha nui kakou.

Mahalo to you for visiting us in our home to hold this important informational hearing. My name is Kāhealani Naeʻole-Wong and I am the head of Kamehameha Schools, Hawaii. Originally from Kaʻaʻawa, Oahu, and have had the privilege of serving as an educator in our Hawaii island community for over 25 years, first in the public school system in Hawaiian immersion, and I now lead Kamehameha Schools Hawaii in developing Hawaiian leaders for our community, alongside others who have worked tirelessly and sacrificed for the advancement of Native Hawaiian education.

I am honored to share the ways in which Kamehameha Schools supports and advocates for educational excellence for all students in Hawaii, especially for Native learners. I will also share some of Kamehameha Hawaii's advancements with ʻOiwi Edge, our pathway of Hawaiian culture-based education, including through Hawaiian language education.

Established in 1887 by Ke Aliʻi Bernice Pauahi Bishop, Kamehameha Schools is the largest educational charitable trust and private landowner in Hawaii. We remain steadfast in our mission to create educational opportunities in perpetuity to improve the capability and wellbeing of her lahui, the Native Hawaiian people.

Kamehameha Schools consists of three K–12 campuses serving thousands of Native Hawaiian students on Oahu, Hawaii and Maui, and 30 preschool sites across the State. We steward 364,000 acres of land and extend our reach through numerous partnerships. Our educational mission has been realized across our islands by generations of successful students, community leaders, and robust community programs.

We are guided by our Kuhanauna Strategic Map 2025 and the Kamehameha Schools Vision 2040, which states: "Within a generation of 25 years, we see a thriving lahui where our learners achieve postsecondary educational success, enabling good life and career choices. We also envision that our learners will be grounded in Christian and Hawaiian values and will be leaders who contribute to communities, both locally and globally."

Each of our Kamehameha campuses are unique, and as such pursue Hawaiian culture-based education through their own pathways. At Kamehameha Schools Hawaii, ʻOiwi Edge is our campus pathway to Hawaiian culture-based education, and serves to reclaim and collectively advance a narrative of Native Hawaiians thriving whereby students will have a strong ancestral foundation that shapes their agency, adaptability, and well-being, giving them a competitive advantage to fulfill their unique purpose and lahui kuleana.

This reclamation, history and genealogy is brought to life by educators deeply involved in research grounded in Hawaiian and global scholarship, a future-focused, student-centered practice. It reexamines the paradigms and structures of a one-size-fits-all educational system by cultivating culturally vibrant and affirming learning environments. It has a moral obligation to avoid historic erasure and to encourage culture and linguistic diversity in order to cancel systemic inequalities that are faced by Native Hawaiian students.

Through our campus research and innovation system, new educator proficiencies are being developed, bringing ʻOiwi Edge learning and teaching to every child in the classroom. Students are deepening their perspectives and knowledge to strengthen their academic achievements. As our world continues to evolve and shift, we are committed to delivering an education rooted in sound practice with the promise of innovation. ʻOiwi Edge represents a meaningful mindset for our students to gain knowledge and skills, resisting toxic narratives by shaping a Hawaiian identity of leadership and restoration.

ʻOiwi Edge is rooted in the belief that Native Hawaiian identity is a source of internal strength and inspiration, which serves as a cultural armor for our learners. As our students venture into the global economy, they will find that the most valuable job skills are no longer technical in nature. Instead, durable skills like empathy, adaptability, innovation, and critical reflection will prove crucial to their success.

Our Native Hawaiian ancestors excelled in these same skills and attributes. ʻOiwi Edge ensures our learners tap into those ancestral strengths as a driver of success in the modern world. Our goal is to then give students an opportunity to engage their cultural identities through exploration of their convictions of social justice. We are committed to empowering our youth and community to ensure paths of postsecondary success. Our greatest commitment is that our learners find their unique purpose and passion to meet the bold vision of becoming leaders who play significant roles in creating strong families and communities throughout Hawaii and beyond, and to influence and shape their worlds.

Service to ancestral lands is a core tenet of Hawaiian culture. One of our most notable works to date is a joint effort involving our high school AP biology students, our campus' Kumuola Marine Science Education Center, the University of Hawaiʻi at Hilo, and Hawaiʻi Pacific University. The collaboration focused on investigating the pattern of visually indistinguishable native and invasive mullet recruitment into a network of three fishponds in East Hawaiʻi to inform mitigation and eradication strategies of invasive species.

The result of this partnership was the development of a new genetic barcoding technique for early identification of young mullet entering the ponds along with graphs of their seasonal migration. This early identification of fish species was presented at the World Aquaculture Society's Conference in 2020.

These uniquely engineered Native Hawaiian aquaculture systems once provided a reserve of valued resources for a healthy lahui and today are models of integrated resource management that support community resilience. Student-led research provides new opportunities in our classrooms and in our communities to collectively brainstorm and build solutions to contemporary issues.

While Kamehameha Schools is an English medium school, our students must have foundational knowledge in Hawaiian language to reclaim the language of our ancestors and to develop a strong Hawaiian identity and worldview. In recent years, Kamehameha Schools Hawaiʻi has implemented an oral-proficiency model to ensure students achieve higher levels proficiency at younger ages re-

sulting in an increase in the number of young Native Hawaiians who have greater confidence in speaking Hawaiian in everyday situations.

In our experience, despite the various challenges that Native Hawaiian students face, Hawaiian culture-based education, including Hawaiian language medium education, has proven to support their success in education and life. We believe that culturally relevant educational programming, developed and administered within the unique context of each Native community, will better support the educational and life outcomes of all Native students across the Country.

As such, we urge the Committee to further support Native culture and language-based educational models, and the organizations that administer them, in all the Country's Native communities.

Mahalo piha for this opportunity to provide testimony here today. We truly appreciate the Committee taking time to hear from us here in our community. Mahalo.

[The prepared statement of Ms. Naeʻole-Wong follows:]

PREPARED STATEMENT OF KĀHEALANI NAEʻOLE-WONG, HEAD OF SCHOOL, KAMEHAMEHA SCHOOLS

Mai ka puka ʻana a ka la i Haʻehaʻe ma keia mokupuni o Hawaiʻi no a i ka welona a ka la i Lehua, aloha nui kakou e ka Luna Hoʻomalu Schatz, ka Hope Luna Hoʻomalu Murkowski, a me na lala o keia Komike o ka ʻAha Kenekoa. As is customary for us, we offer warm greetings to you all from the rising of the sun at the easternmost point of our archipelago at Haʻehaʻe on Hawaiʻi island to where the sun sets near the small island of Lehua, west of Kauaʻi and Niʻihau. Mahalo for visiting us in our home to hold this important informational hearing about Native Hawaiian education.

My name is Kahealani Naeʻole-Wong. I am from Kaʻaʻawa on the island of Oʻahu and have lived on Hawaiʻi island for over three decades. I am a graduate of the University of Hawaiʻi at Hilo, the very campus in which this hearing is being held, and have had the privilege of serving as an educator in our community for 25 years—first in the Hawaiʻi public school system, then in Hawaiian immersion, and I now have the responsibility to lead Kamehameha Schools Hawaiʻi in raising the next generation of Hawaiian leaders for our community. I am very grateful to those who have worked tirelessly and sacrificed for the advancement of Native Hawaiian education.

I am honored to share current issues and prospects for Native Hawaiian students, and the ways in which Kamehameha Schools supports and advocates for educational excellence for all students in Hawaiʻi, especially for our Indigenous learners. I will also share some of Kamehameha Hawaiʻi's advancements with ʻŌiwi Edge, our pathway of Hawaiian Culture-Based Education (HCBE), including through Hawaiian language education. Finally, I'll cover Kamehameha's institutional priority to increase access to early childhood education for every three- and four-year-old child in Hawaiʻi.

Kamehameha Schools Background

Established in 1887, Kamehameha Schools is an educational charitable trust founded by Ke Aliʻi Bernice Pauahi Bishop. As the largest educational charitable trust and private landowner

in Hawaiʻi, we remain steadfast in our mission to fulfill Ke Aliʻi Pauahi's desire to create educational opportunities in perpetuity to improve the capability and well-being of her lahui, the Native Hawaiian people.

Kamehameha Schools consists of three, K–12 campuses serving thousands of Native Hawaiian students on Oʻahu, Hawaiʻi and Maui, and 30 preschool sites across the state. We steward 364,000 acres of land and extend our reach through numerous partnerships. Our educational mission has been realized across our islands by generations of successful students, community leaders, and robust community programs. We are guided by our Kuhanauna Strategic Map 2025 and the Kamehameha Schools Vision 2040, which states:

> Within a generation of 25 years, we see a thriving lahui where our learners achieve postsecondary educational success, enabling good life and career choices. We also envision that our learners will be grounded in Christian and Hawaiian values and will be leaders who contribute to communities, both locally and globally.

In the late 1990s, a growing demand for the Kamehameha Schools standard of Hawaiian education led to the construction of two new campuses—one on Maui and one on Hawai'i island—in addition to the original Kapalama campus. In 1999, Kamehameha Schools purchased 312 acres of land in Kea'au to build our Hawai'i island campus. Construction began in mid-2000 and, in 2001, we opened our doors to serve Hawai'i island families. In 2006, we celebrated the graduation of our first cohort of high school students. Since that time, we have made strides in building our unique contribution to the larger Kamehameha Schools trust, the resurgence of Hawaiian cultural identity, and the well-being of the lahui as a whole. We actualize this contribution through 'Oiwi Edge, our distinct campus identity and brand of HCBE.

History of Education in Hawai'i

Formal Western education through the Hawaiian language began in 1822 with the printing of a Hawaiian spelling book (Hawaiian Imprint). By 1839, "literacy [in Hawai'i] was 'estimated as greater than in any other country in the world, except Scotland and New England'" (Sai). By 1841, Hawai'i was the fifth nation in the world to provide compulsory education for its students, preceded only by four European countries-Prussia, Denmark, Greece, and Spain—with the United States eventually requiring compulsory education some 77 years later (Ibid.).

The Hawaiian Kingdom structure of education was as follows:

> The Privy Council in 1840 established a system of universal education under the leadership of what came to be known as the Minister of Public Instruction. A Board of Education later replaced the office of the Minister in 1855 and named the department the Department of Public Instruction. This department was under the supervision of the Minister of the Interior. . . And in 1865 the office of the Inspector General of schools was formed in order to improve the quality of the education being taught (Ibid.; Kuykendall 352).

In 1893, the Hawaiian Kingdom was illegally overthrown. Three years later, the Republic of Hawaii made English the primary language of instruction in all public schools, further contributing to the decline in education through the Hawaiian language. In 1900, Congress passed the Hawaiian Organic Act creating the Territory of Hawai'i. In 1907, the Territory's Department of Public Instruction began instituting an Americanization program called "Programme for Patriotic Exercises in the Public Schools" (Sai). Indigenous students were assimilated in part through the erasure of history. In the process, Native Hawaiians faced the loss of land, language, and culture. As a result of being materially and culturally disconnected, "Hawai'i's Indigenous people came to struggle disproportionately with poverty, illness, homelessness, and poor educational outcomes in their homeland" (Kana'iaupuni et. al. 312).

Our Lahui Hawai'i Today

Today, Native Hawaiians continue to suffer disproportionately in comparison to other major ethnicities in Hawai'i. The publication, Ka Huaka'i: Native Hawaiian Educational Assessment 2021, consists of over 600 pages of compiled data and summary analysis. It is produced by the Kamehameha Schools with authors Kana'iaupuni, Kekahio, Duarte, and Ledward. This enormously comprehensive study is an all-inclusive analysis of not only Native Hawaiian students and communities, but of other major ethnicities in Hawai'i across all island districts. Most conclusive is the data that explains the dire rates of poverty, illness, unemployment, and negative socio-political and -economic well-being suffered by Native Hawaiians as compared to other major ethnicities.

Specifically, regarding the education of Native Hawaiian students, some of the statistics are as follows:

- Across Hawai'i, nearly one in ten Native Hawaiian high school students (8 percent) report being hungry because of lack of food at home (393);
- In 2013 and 2017, Native Hawaiian high school students also had higher rates of obesity (at or above the 95th percentile for BMI), compared with other major ethnicities statewide (402);
- Among all Native Hawaiian students in public schools, 62 percent are economically disadvantaged, with East Hawai'i (74 percent) and West Hawai'i (72 per-

cent) having notably higher percentages. This is consistent with findings showing that East Hawai'i has the largest percentage of Native Hawaiians living in poverty (433);

- By 2017, Native Hawaiian students (15 percent) were more than twice as likely as their Chinese (6 percent), Filipino (7 percent), and Japanese (7 percent) peers to be enrolled in special education programs (435);
- Despite the fact that Native Hawaiians make up almost one-fourth of the student population in the Hawai'i Department of Education (DOE) system, only 10 percent of Hawai'i DOE teachers are Native Hawaiian-less than the percentage of teachers who identify as Caucasian (25 percent), Japanese (23 percent), and Other (25 percent) (Hawai'i Department of Education 2020b) (438);
- Schools with high concentrations of Native Hawaiians saw the greatest fluctuation in principal turnover (439);
- The consequences of standardized tests for minority students are paramount, as the rigidity and inherent biases of the tests may inhibit opportunities to demonstrate learning that is grounded in cultural ways of knowing and being (449);
- Among Hawai'i's major ethnic groups, Native Hawaiians have the lowest proficiency rates in language arts. In 2015, for example, 34 percent of Native Hawaiian students in public schools achieved language arts proficiency-14 percentage points lower than the Hawai'i total of all public school students in the same year. By 2017, the gap in language arts proficiency between Native Hawaiians and the Hawai'i total widened to 16 percentage points. When comparing across subject matter, overall proficiency rates in language arts are higher than they are in mathematics (453);
- Between 2015 and 2017, Native Hawaiians persistently exhibited the lowest mathematics proficiency rates of all major ethnicities in Hawai'i. In 2017, just 27 percent of Native Hawaiian test takers achieved math proficiency-18 percentage points below the rate of Filipino students, who had the second-lowest scores (458);
- Over the three school years examined, mathematics proficiency rates were highest among schools with low concentrations of Native Hawaiians. The math statistics are also consistent with science standards and measurements (461);
- Our findings reveal that Native Hawaiian students exhibit the highest chronic absenteeism rates in Hawai'i, relative to other ethnicities. Recent research suggests that asthma is a primary contributor to absenteeism among Hawai'i students, especially for Native Hawaiians, with Leeward, East and West Hawaii leading the pack (469);
- In comparing ethnicities, Native Hawaiian students across cohorts exhibit relatively high dropout rates, second only to Whites. Military status and mobility may partially explain the high percentage of White dropouts (477);
- Trend data show that AP enrollment rates for Native Hawaiians increased gradually with each successive cohort. Still, AP enrollment rates among Native Hawaiian high schoolers were the lowest of the five major ethnic groups in Hawai'i. For example, in the 2017 cohort, there was a 14 percentage point difference between Native Hawaiian students (17 percent) and the Hawai'i total (31 percent). Chinese and Japanese students, relative to their peers, generally had higher rates of AP enrollment across all cohorts (484);
- For two-year colleges, among all Hawai'i DOE students in the classes of 2011 to 2014 who enrolled in UH community colleges in the first fall after finishing high school, the three-year graduation rate was approximately 20 percent. College completion rates of Native Hawaiian students were consistently the lowest among each graduating class (491); and ' Like the two-year college completion data, Native Hawaiian public high school graduates attending four-year institutions had the lowest six-year completion rates for the classes of 2011 and 2012 (494).

This educational and social well-being data analysis for Native Hawaiian students is dire. According to these same authors, however, Indigenous education re-examines the paradigms and structures of a one-size-fit-all educational system by cultivating culturally vibrant and affirming learning environments ("Mohala i ka Wai"). They believe that culture-based education has a moral obligation to avoid historic erasure and to encourage cultural and linguistic diversity in order to cancel systemic inequalities that are faced by Indigenous students.

ʻŌiwi Edge—Our Kamehameha Schools Hawaiʻi Pathway to HCBE

Each of our Kamehameha campuses are unique and, as such, pursue Hawaiian culture-based education through their own pathways. At Kamehameha Schools Hawaiʻi, ʻŌiwi Edge is our campus pathway to HCBE. ʻŌiwi Edge was adopted by Kamehameha Schools Hawaiʻi in 2017 to facilitate learning and teaching through a Hawaiian cultural lens, grounded in excellence and ʻike, or knowledge, from our rich history and genealogy as Hawaiians. ʻŌiwi Edge learning mirrors the ingenuity and forward thinking of our ancestors. ʻŌiwi Edge serves to:

> Reclaim and collectively advance a narrative of Native Hawaiians thriving, whereby Kamehameha Hawaiʻi haumana, or students, will have a strong ancestral foundation that shapes their agency, adaptability, and well-being, giving them a competitive advantage to fulfill their unique purpose and kuleana, or responsibility (ʻŌiwi Edge: Our Path To E Ola!").

At Kamehameha Schools Hawaiʻi, this reclamation, history and genealogy is brought to life in classrooms by educators deeply involved in research grounded in Hawaiian and global scholarship and future-focused, student-centered practice. Through our campus research and innovation system, new educator proficiencies are developed bringing ʻŌiwi Edge learning and teaching to every child in the classroom. Students are deepening their perspectives and knowledge to strengthen their academic achievements. As our world continues to evolve and shift, we are committed to delivering an education rooted in sound practice with the promise of innovation, "Meeting students where they are-literally where they are-the places that ground them and the layers and culture that surround them is important" (DeRego 58).

ʻŌiwi Edge Learning & Teaching—HCBE as a Means of Reclaiming Excellence

We believe that Kamehameha Schools Hawaiʻi serves as a powerful socializing agent to reinforce our unique and specific approach that will shape community expectations as well as student, educator, and parent norms. Furthermore, ʻŌiwi Edge builds on the seminal work of past and current Hawaiian scholars, researchers, historians, practitioners, educators, and cultural elders whose efforts reflect a conscious and purposeful shift in delivering education. Recognition and dependence on the foundations of existing Hawaiian scholarship and contribution made by previous generations is a critical component to the ʻŌiwi Edge vision, for ʻŌiwi Edge represents a relevant and meaningful mindset for our students to gain knowledge and skills in resisting toxic narratives by shaping a Hawaiian identity of leadership and restoration.

ʻŌiwi Edge is Kamehameha Hawaiʻi's embodiment of the KS mission, and offers a specific approach to campus-wide plans and priorities that describe our brand of education and value proposition. ʻŌiwi Edge provides all learners, educators and students alike, personal, cultural, academic, and social tools required to thrive and contribute to the lahui. Through strategic programming, curricula, experiences, and instruction, ʻŌiwi Edge ensures relevance and rigor to grow next generation kupuna (elders) and leaders who will shape their individual futures as they take their place on the global stage. "Our goal is then to give students an opportunity to engage their cultural identities through exploration of their convictions of social justice" (Cabatu and Kanno 175).

ʻŌiwi Edge will continue to advance a narrative of Native Hawaiians thriving. We are committed to empowering our youth and community to ensure paths of postsecondary success. Our greatest commitment is that our learners find their unique purpose and passion to meet the bold vision of becoming leaders who play significant roles in creating strong families and communities throughout Hawaiʻi and beyond and to influence and shape their world.

Living HCBE Through ʻŌiwi Edge—Examples from Our Campus

He aliʻi ka ʻāina, he kauā ke kanaka; *Land is the chief, man is its servant.* A 5th Grade Model of ʻŌiwi Edge

Service to ancestral lands is a core tenet of Hawaiian culture. As an example, our grade 5 learners employed a social lens in a year-long inquiry of sustainability. Students asked, "Who are we as Native Hawaiians, and what is our responsibility to our land, ourselves, our families, and our communities as descendants of strong ʻŌiwi (Indigenous) leaders'" Students kept journals of their projects which captured their personalized journey over the course of the school year. Student learnings ranged from deep self-reflections affirming their identity as Native Hawaiians to gaining understanding of relationships and how these relationships can be used as ʻŌiwi leadership to sustain community. Students then researched the many contributions of Queen Liliʻuokalani, dove into the historical accounts of her life, and

reflected on her compelling musical compositions and prose which she authored during her lifetime. Her mele or musical compositions convey kaona or hidden meanings, which proved thought provoking for our students. They gained invaluable insight into the Queen's thoughts, opinions, and world-view—as a reflective guidepost to lean upon now and always.

Huli ka lima i lalo. *Turn the hands to work.* A Model of ʻŌiwi Edge Advocacy in Middle School

From introspection to advocation, students on our campus enact their ʻŌiwi Edge in response to real issues affecting our community. Starting at our shores, our 6th graders were inspired by their participation in a cleanup project at Kamilo, a beach located at the Southernmost tip of our island chain that has been dubbed "Plastic Beach," because of the unique ocean currents that deposit waste on our shores from as far away as Japan and Russia. Students took steps to deepen and integrate these experiences into their 7th grade Innovative Technology course, applying their skills in photography and graphic design to create recyclable materials in their continued fight against single use plastics. Then, as 8th graders, students digitally designed personal original artwork that depicted native Hawaiian plants and other imagery, superimposed them on beeswax wraps, a sustainable, eco-friendly alternative to single use plastics, and produced them for sale in communities near and far. They honed their marketing skills and learned how to "side-hustle" ethically and effectively in order to raise funds for their airfare and earn the opportunity to present their work at the International Society for Technology in Education Conference to be held in New Orleans this summer. Their advocacy and entrepreneurship continue on through a student organized company called "Hoʻonele Ea."

He ola na ka ʻŌiwi. *Earn one's own livelihood.* Harnessing the Power of ʻŌiwi as an Edge to Sustain Our Community. A High School Model of Empowered HCBE

Perhaps our most groundbreaking work to date is a joint effort involving our high school AP Biology students, our campus' Kumuola Marine Science Education Center, the University of Hawaiʻi at Hilo, and Hawaiʻi Pacific University. The collaboration focused on investigating the pattern of visually indistinguishable native and invasive mullet recruitment into a network of three fishponds in East Hawaiʻi to inform mitigation and eradication strategies of invasive species. The result of this partnership was the development of a new genetic barcoding technique for early identification of young mullet entering the ponds along with graphs of their seasonal migration. This early identification of fish species was presented at the World Aquaculture Society's Conference, Aquaculture America 2020, as part of a special session related to Native Hawaiian aquaculture.

These uniquely engineered Native Hawaiian aquaculture systems once provided a reserve of valued resources for a healthy Lahui and today are models of integrated resource management that support community resilience. Student-led research provides new opportunities in our classrooms and in our communities to collectively brainstorm and build solutions to contemporary issues. Students have been involved in all facets of this research, from reclaiming of physical space and building fishpond walls, to the collection and processing of samples, to experimental design and data analysis, as well as, innovation and advocacy. Students positioned to responsibly steward our land by building and accessing multiple knowledge sets through research and agency will ensure our fishponds are never without fish.

An ʻŌiwi Edge Commitment to a Thriving and Living Language

ʻO ka ʻōlelo ke kaʻā o ka mauli.[1] *Language is the fiber that binds us to our cultural identity.* The 1970s & 1980s Resurgence of Hawaiian Language and Culture.

ʻŌlelo Hawaiʻi is the language of our homeland and is currently used and celebrated by thousands across Hawaiʻi in government, education and commerce alike. Following the illegal overthrow of Hawaiʻi and the subsequent enactment of culturally detrimental policies by the subsequent governments, ʻōlelo Hawaiʻi was on the brink of extinction by the 1970s and its survival was looking very bleak. Outside of the vibrant Niʻihau island community with multi-generational speakers, the number of speakers in the children, youths, and young adults across the other islands were very sparse.

A resurgence of Native Hawaiian cultural identity in the public schools system began when, as a result of the 1978 Hawaiʻi Constitutional Convention, the State was required to "promote the study of Hawaiian culture, history, and language." In addition, Hawaiian language was formally recognized through the Constitutional

[1] This is the motto of Ka Haka ʻUla O Keʻelikolani, College of Hawaiian Language at the University of Hawaiʻi at Hilo.

Convention as an official State language, along with English. In 1980, HCBE entered Hawai'i's public schools in the form of two components, (1) the Kupuna Component, a K–6 program that brought practitioners from the community into the classroom; and (2) focused Social Studies courses such as Hawaiian Monarchy (7th grade), and Modern Hawaiian History (grades 9 or 11) (Johnson et. al.).

E Ola ka ʻōlelo Hawaiʻi. *The Hawaiian Language Shall Live*. Hawaiian Medium Education Schools.

In 1983, ʻAha Pūnana Leo, a grassroots organization dedicated to reviving ʻōlelo Hawaiʻi (the Hawaiian language) was established by a group of Hawaiian language educators from across the state. Pūnana Leo O Kauaʻi, the first Hawaiian immersion preschool, opened in 1984, and grew to include Pūnana Leo O Hilo and Pūnana Leo O Honolulu the following year. In 1986, the Hawaiʻi State Legislature passed a bill repealing the 1896 law making English the primary language of instruction in public schools. In 1987, the Hawaiʻi Board of Education approved the Hawaiian Language Immersion program with the first elementary Indigenous language immersion classes in the United States officially beginning at Keaukaha Elementary in Hilo and Waiau Elementary at Pearl City. The opening of Hawaiʻi's first charter schools followed in 1995. Today, there are 38 charter schools across the islands, of which, "more than half have a Hawaiian cultural focus and 5 are immersion schools" (Bender). Fifteen of these 38 charter schools are in our own communities on Hawaiʻi island ("Charter Schools").

While Kamehameha Schools is an English medium school, our students must have foundational knowledge in Hawaiian language to reclaim the language of our ancestors and to develop a strong Hawaiian identity and worldview. In recent years, Kamehameha Schools Hawaiʻi has implemented an oral-proficiency model in our language program to ensure students have greater access to higher levels of Hawaiian language at younger ages and greater access to courses which teach content through Hawaiian language. As our program matures, our renewed focus has not only resulted in students demonstrating higher language proficiency skills but also having greater confidence in speaking Hawaiian in everyday situations, the latter being a great testament to our hope for reclamation.

It is through the foresight and fortitude of a small group of people, our Native Hawaiian educators, who actively fight every day to reclaim our history, culture and language, that Hawaiians and all people today know more about our past and are able to help our lahui move towards our future. Despite their efforts, "in our contemporary educational system, ʻike kupuna Hawaiʻi[2] has been characterized as inferior and irrelevant to other types of knowing, doing, and living, resulting in a toxic narrative that oppresses our ʻŌiwi learners" (Norman 123). We recognize that this experience is shared across native communities and encourage this committee to continue uplifting Indigenous languages and cultures for the benefits they provide for all our people, including by supporting such legislation as the Native American Language Resource Center Act.

As is evident in these impactful HCBE models and programs of ʻŌiwi Edge learning & teaching, reclamation and advancement of a narrative of Native Hawaiians thriving is alive at Kamehameha Schools Hawaiʻi. ʻŌiwi Edge is rooted in the belief that Native Hawaiian identity is a source of internal strength, and inspiration, which serves as cultural armor for our learners. As our students venture into the global economy, they will find that the most valuable job skills are no longer technical in nature. Instead durable skills like empathy, adaptability, innovation, and critical reflection will prove crucial to their success. Our Native Hawaiian ancestors excelled in these same skills and attributes. ʻŌiwi Edge ensures our learners tap into those ancestral strengths as a driver of success in the modern world, enabling them to uplift their families, their communities, their lahui, and their world.

In our experience, despite the various challenges Native Hawaiian students face, HCBE, including Hawaiian language medium education, has proven to support their success in education and life. We believe that culturally relevant educational programming, developed and administered within the unique context of each Native community, will better support the educational and life outcomes of all Native students across the country. As such, we urge the Committee to further support Native culture- and language-based educational models, and

the organizations that administer them, in all the country's Native communities. For Native Hawaiians, this includes continued support for the Native Hawaiian Education Program, Alaska Native and Native Hawaiian Serving Institutions of higher education, Native American language immersion schools and programs, in-

[2] ʻIke kupuna Hawaiʻi can be translated as ancestral Hawaiian knowledge.

cluding the Esther Martinez program, and the Native Hawaiian Career and Technical Education Program.

Access to Early Learning

An institutional level, Kamehameha Schools highest priority in addressing the systemic needs of Native Hawaiian learners is ensuring every three- and four-year-old child in Hawai'i has access to early childhood education. Every year, we educate approximately 1,600 keiki (children) at our 30 preschool sites; provide scholarships to 1,500 keiki at our preschools and at other private preschools; and support many more keiki through partnerships with public and private preschools, family-child interaction learning centers and other early learning programs. In sum, every year, we spend approximately $50 million in our local communities to assist over 6,000 keiki begin their journey.

Despite our efforts, along with others in Hawai'i, there is still lots of ground to cover to ensure all our keiki have access to early learning. Prior to the pandemic, only one in four children in Hawai'i attended early learning programs. During the pandemic, the early learning capacity dropped significantly to seats being available for nearly one in five children. A 2020 report found that there were 25,247 seats in childcare facilities regulated by the Hawai'i Department of Human Services, serving 108,340 children ages five or younger (Hawai'i Early Childhood Comprehensive Needs Assessment). Therefore, even prior to the start of the COVID–19 pandemic, the regulated segment of the child care market in Hawai'i only had the capacity to serve less than a quarter (23.3 percent) of young children.

As a key component of delivering early learning access, we further believe Native Hawaiian families in Hawai'i must continue to have the option to choose Hawaiian medium education and Hawaiian-culture based education for the benefits previously discussed. Such education is currently predominantly provided for by private pre-K providers. We also know that not all families desire center-based care and continue to support the inclusion of a range of options that provide gains in learning and achievement through multi-generational, whole family, and whole child methods, especially through the Native Hawaiian culture and language.

We recognize that establishing universal access to preschool was a notable component of the Build Back Better legislative package. While the future of this legislation is uncertain, we strongly encourage this committee to continue supporting expanding access to early learning for native children in whatever related legislation may continue to progress and to specifically advocate for the additional prioritization of Native American language nests in such legislation. Federal support for the construction and renovation of early learning facilities and the training of preschool teachers, including Native language immersion teachers, would greatly benefit our collective efforts to increase the number of available preschool seats for Native Hawaiian keiki.

Summary

Mahalo for this opportunity to provide testimony to the Senate Committee on Indian Affairs. We truly appreciate the committee taking time to visit our home to hear from us and our community. We hope that this testimony has been illuminating in sharing the history and status of Native Hawaiian education, the unique approach to Hawaiian culture-based education at Kamehameha Schools Hawai'i, and our institutional priority for early learning access for all three- and four-year-olds. Please direct any follow-up to this testimony or on other matters to Kamehameha Schools' Manager of Community & Government Relations, 'Olu Campbell, at bocampbe@ksbe.edu. We look forward to continuing our collaborative engagement with the committee in the future.

BIBLIOGRAPHY:

Bender, Paula. "Education by Charter." Malamalama: The Magazine of the University of Hawai'i System, *http://www.hawaii.edu/malamalama/2008/01/f5-charterschools.html.* Accessed 24 May 2022.

Cabatu, Alana M.M. and Corrine Kanno. "Defining Authenticity in Learning and Teaching." *E ULU*, Halau Kupukupu: Kamehameha Schools Hawai'i, 2022, pp. 174–194

"Charter Schools." *Hawaii State Department of Education*, *https://www.hawaiipublicschools.org/TeachingAndLearning/EducationInnovation/CharterSchools/Pages/home.aspx.* Accessed 24 May 2022.

DeRego, Nancy. "Storied Places: Developing an 'Ōiwi Critical Lens through Critical Reading of Place- and Cultural-Based Stories." *E ULU*, Halau Kupukupu: Kamehameha Schools Hawai'i, 2022,pp. 57–68

"Hawaiian Imprint Collection: A Resource Guide." Library: *Library of Congress*, *https://guides.loc.gov/early-hawaiian-imprints/about-the-collection.* Accessed 24 May 2022.

"Hawai'i Early Childhood Comprehensive Needs Assessment." State of Hawai'i Executive Office on Early Learning, *https://drive.google.com/file/d/13bqraLSLXAtoCoLo5wUjS6AG3uxjSP4z/view.*

Johnson, Kamalani, et. al. Ke Kulia e Kamau Ai: He Ho'ili'ilina Holomua 'ōlelo Hawai'i. Hilo,

Hawai'i, Hale Kuamo'o, 2020.

Kailihou, S. Aolani. "Ke Kuapapa Nui." Leadership Engagement Conference, 21 Jun. 2021,Kamehameha Schools Hawai'i.

Kamehameha Schools Report On Financial Activities: July 1, 2018–June 30, 2019. Kamehameha Schools, *https://www.ksbe.edu/assets/annual__reports/Financial__Activities__2019.pdf.* Accessed 24 May 2022.

Kana'iaupuni, Shawn Malia, et. al. Ka Huaka'i, Native Hawaiian Educational Assessment 2021.

Kamehameha Schools, 2021, *https://www.ksbe.edu/assets/research/ka__huakai/2021__KaHuakai.pdf.* Accessed 24 May 2022.

Kana'iaupuni, Shawn Malia, et. al., "Mohala i ka Wai: Cultural Advantage as a Framework for Indigenous Culture-Based Education and Student Outcomes." American Educational

Research Journal, vol. 54, no. 15, April 2017, pp. 311–339, p. 312, *https://doi.org/10.3102/0002831216664779.* Accessed 24 May 2022.

Kuykendall, Ralph S. The Hawaiian Kingdom Volume 1. University of Hawaii Press, 1938, *https://ulukau.org/elib/cgi-bin/library?e=d-0kingdom1-000Sec—11en-50-20-frameset-book—1-010escapewin&a=d&d=D0.19.18&toc=0.* Accessed 24 May 2022.

Maly, Kepa and Onaona Maly. Ka Ho'oilina A Ke Ali'i Wahine 'o Pauahi Bishop: Ke Kahua Kula Kamehameha Ma Kea'au—Legacy of the Chiefess Pauahi Bishop: The Kamehameha School Campus at Kea'au. Kumu Pono Associates LLC, 2018.

Norman, Noelani. "Changing the Untruths of the Past for the Future: Proposing a Framework for Centering 'Oiwi Narratives at Kamehameha Schools Hawai'i." E ULU, Halau Kupukupu: Kamehameha Schools Hawai'i, 2022, pp. 121–146.

"'Oiwi Edge: Our Path To E Ola! Strategic Map 2020–2025." Kamehameha Schools, *https://drive.google.com/file/d/1MQ6uGA__Pqog6gwzw3qg0ShZiCkPyxVM0/view.* Accessed 24 May 2022.

Sai, Keanu Ph.D. "The Impact of U.S. Occupation on the Hawaiian People." NEA: National Education Association, 13 Oct. 2018, *https://www.nea.org/advocating-for-change/new-from-nea/impact-us-occupation-hawaiian-people.* Accessed 24 May 2022.

The CHAIRMAN. Thank you very much, Ms. Nae'ole-Wong.

Dr. Kawai'ae'a, please proceed with your testimony.

STATEMENT OF KEIKI KAWAI'AE'A, PH.D., DIRECTOR, KA HAKA 'ULA O KE'ELIKŌLANI COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAI'I

Dr. KAWAI'AE'A. Aloha e Kenekoa Schatz, [phrase in Native tongue]. My name is Keiki Kawai'ae'a, and I would like to welcome you to Hale'olelo, the main building of Ka Haka 'Ula O Ke'elikōlani, the College of Hawaiian language. We are humbled by the privilege to have you here on campus today for the field hearing on Funding and Program Access for Innovation in the Native Hawaiian Community.

I serve as Director of Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language, and I am also a proud parent of the first students of the Punana Leo and Kaiapuni Hawai'i. My children graduated from Nawahiokalani'opu'u, and my grandchildren today are enrolled there.

I am also engaged with other critical work, such as the Native Educator Education Committee of the National Indian Education

Association and the Accreditation Board of the World Indigenous Nations Higher Education Consortium.

Today I will be providing testimony on the work of our college as a primary resourcing entity for Hawaiian language revitalization and education as mandated by our State legislature. Included in its P through 25 pre-school through doctorate programs, our Hawaiian medium pathway focuses on Hawaiian-speaking families and other forms of education for producing high efficiency in Hawaiian.

Like Nāmaka Rawlins, I will list barriers to the human and other resource development work of the college before going into details of our work here at the college. Helu ekahi, number one, most university faculty and administrators outside our college and external funders see us as a standard foreign language and foreign area studies program. However, we lack the resources that such foreign language and area studies programs receive, including any of the 15 federally funded National Foreign Language Resource Centers.

The lack of such support severely hampers our ability to reach the full potential of our various Native Hawaiian and other Native American programs. We therefore are very much appreciative the work, Senator Schatz, that you have done, in the Senate Indian Affairs Committee to have put into the bill to establish a Native American Language Resource Center.

Ka Haka ʻUla O Keʻelikōlani focuses highly on teacher training for Hawaiian language medium and immersion P–12 teachers. There is a critical shortage of fully proficient teachers in Hawaiian, well prepared in a wide range of content areas and trained in delivering education from a Native language and culture-based foundation. Because of the unique language and cultural elements, our teachers require more preparation than standard English medium teacher preparation.

There is a nationwide shortage of teachers prepared for Native language medium and immersion school settings, Native culture-based schools and schools in communities with a high population of Native students. Not addressing this critical teacher shortage hinders and impedes the implementation of highly successful Native language and medium education that builds upon its language and cultural strengths.

Our State DOE projects that Hawaiian medium/immersion schools will have a shortage of 75 teachers for the upcoming school year. This data does not include the Hawaiian medium/immersion charter school shortage. Some estimate that the total State shortage for the upcoming school year will be around 100 teachers statewide for the 28 K–12 Hawaiian medium/immersion schools.

The National Indian Education Association has collaborated on new legislation called the Native American Teacher Education Pathway Act. I am part of the Committee working on developing this bill which has received national feedback in its development from all three Native American groups. We would like to request your consideration, Senator Schatz, in introducing the bill. I brought several copies with me that I shared with your staff.

Three, our College provides curriculum materials and resource materials to schools. We and other Native American language pro-

grams lack access to direct funding to create such materials and resources. Grants are highly competitive and require much work to develop grants to fit them into competitive preferences while still focusing on the priorities we know to exist in the schools we are serving.

What limited competitive grants are available are generally written with requirements based on the needs of English medium schools rather than Native American language medium/immersion schools that we serve. In addition, as a State system with no tribal schools or boards, we also do not meet the criteria for some of the grants that fit well with the needs of our schools and students we serve. Improving grant definitions and where the grants are administered may increase access to Hawaiian medium/immersion education and other potential funding support for innovation in the Native Hawaiian Community.

Four, there is a need for direct funding for Native students and services of students enrolled in our Native Hawaiian and Native American streams. Native American language and culture study is largely under the radar of Federal and private foundation support. Available funding that focuses on individual Native Americans is most commonly directed to areas where Native students are highly underrepresented, such as engineering, computer science, and medicine.

Although programs in higher education teaching languages and cultures are uncommon, where they exist, such as here in our college, it is always the area of higher education where indigenous students are the majority. Because our area of study has a majority of Native students, our students can be designated as a lower priority in funding focused on increasing the percentage representation of indigenous students. However, because so many of our students become involved in education, they have a much more significant impact on Native youth as a whole than areas for which funding for Native students is more readily available.

A further barrier for students in our area is that they often take longer to finish their undergraduate studies, as it takes longer to learn the language and obtain a degree. This is because we are training individuals who are not only becoming proficient in an indigenous language and culture but also in an academic content area that they intend to teach Native students.

Thus, here at Ka Haka ʻUla O Keʻelikōlani, many of our Native Hawaiian Studies students are pursuing double majors in other areas. The time to accomplish this typically extends beyond the standard four to five years of scholarship support provided to Native students.

I would like to share a little bit about some of our work and our innovations at the college. Ka Haka ʻUla O Keʻelikōlani, where we are today, is administered and operated through Hawaiian. All of our faculty and staff are bilingual in Hawaiian and English, and several are proficient in other languages. Although we face many barriers, our college has made steady progress in developing its P–25 model by bringing together the Hawaiian Studies Department, the Hale Kuamoʻo Hawaiian Language Center, and Nawahi K–12 school.

In addition to our basic Hawaiian language medium B.A. in Hawaiian Studies, other programs include a Hawaiian language medium graduate teacher education certificate in indigenous language and culture education, an M.A. in indigenous language and culture education, and a Ph.D. in indigenous language and culture revitalization. We also have a lower division certificate indigenous language medium early education, really running the gamut from the babies all the way to adult and into the community.

We also provide dual college enrollment for Hawaiian-speaking high school students in a selected range of general education courses taught in Hawaiian, including world history, statistics and sociology. We hope to expand those courses to fulfill our legislative mandate to provide liberal education to Hawaiians.

We have an outreach program for other Native Americans and indigenous peoples on a more extensive level. Our most developed program in serving other Native American peoples is at the doctorial level. The language is represented in that strand are Lakota, Mohawk, Arapaho, Tlingit, Dakota, Inupiaq, Ojibwe, and Samoan. Our non-Hawaiian students in the Ph.D. program typically work in Native American language medium schools or higher education while studying in our program.

We have been working on expanding our support to Native America beyond our Ph.D. and Linguistics B.A. through our graduate-level teaching certificate with the Jemez language of the Jemez Pueblo, and the Ojibwe language in Wisconsin.

The Hale Kuamoʻo Center is a primary resource provider for the Hawaiian language and culture-based education movement in the State of Hawaii. The Hale Kuamoʻo focuses on material originally written in Hawaiian or developed from a Hawaiian perspective for over two decades now. Hale Kuamoʻo creates and disseminates school and online resources, holds in-service training for teachers and parents, and a Hawaiian language newspaper. The Hale Kuamoʻo has produced over 700 publications.

The volume of material support that we provide is very substantial. However, the development and even distribution and maintenance of those materials are highly dependent on winning competitive grants.

In addition to the publication of the Hale Kuamoʻo, the Ulukau Hawaiian Electronic Library contains collections of Hawaiian newspapers, the Kaniʻaina tapes, Hawaiian language and cultural books, genealogy collections, and among its most frequently visited collections, its electronic dictionaries. This year, Ulukau celebrates its 20th year with over 400 million hits.

Mahalo nui for this invitation to provide testimony on this very important issue.

[The prepared statement of Ms. Kawai'ae'a follows:]

PREPARED STATEMENT OF KEIKI KAWAI'AE'A, PH.D., DIRECTOR, KA HAKA 'ULA O KEʻELIKŌLANI COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAIʻI

Aloha e Kenekoa Schatz, a mahalo nui ia ʻoe a me na limahana o ke keʻena SCIA no ka mālama ʻia o kēia hālāwai hoʻolohe ma Hilo nei. My name is Keiki Kawaiʻaeʻa, and I'd like to welcome you to Haleʻōlelo, the main building of Ka Haka 'Ula O Keʻelikōlani, the state Hawaiian language college. You may have seen our other building, the portable on the other side of the stream with adjoining Matson shipping containers. That is the site of our Hale Kuamoʻo Hawaiian Language Center

and some of our faculty and staff offices. We are humbled by the privilege to have you here on campus today for the field hearing on Funding & Program Access for Innovation in the Native Hawaiian Community. I'd like to echo the earlier mahalo from Namaka Rawlins for holding this hearing here at Hale'ōlelo.

As a bit of background history to provide context for my testimony, I am one of the parents of the first students in the Pūnana Leo and Kaiapuni Hawai'i (Hawaiian immersion programs). My eldest child graduated in the first class of Nāwahīokalani'ōpu'u in 1999. She now works here in the College as a faculty member in teacher education. My other children also graduated from Nāwahīokalani'ōpu'u, and my grandchildren are enrolled there today.

My professional background is in elementary education, curriculum and instruction, and Indigenous education. I began my career teaching the Hawaiian language and culture through English at the Kamehameha Schools on the Kapālama campus. When Pūnana Leo families on Maui sought to have a public elementary Hawaiian immersion program begin there, I moved with my family as the founding teacher of the Hawaiian immersion site at Pa'ia School. Later, when the Hale Kuamo'o Hawaiian Language Center was opened, I was recruited to lead that effort in providing curriculum materials for Hawaiian medium/immersion education statewide. The much needed work continued in developing our graduate level Kahuawaiola Indigenous Teacher Education program and then its follow-up M.A. degree in Indigenous Language and Culture Education. I am also one of the faculty members delivering our Ph.D. in Hawaiian and Indigenous Language and Culture Revitalization.

In my present position, I serve as the Director of Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language. I am also engaged with other critical work, such as the Native Educator Education Committee of the National Indian Education Association and the accreditation board of WINHEC, the World's Indigenous Nations Higher Education Consortium.

Today I will be testifying before the Committee on the work of our Hawaiian Language College as a primary resourcing entity for Hawaiian language revitalization and education as mandated by our state legislature. Included is a P–25 (preschool to doctorate) Hawaiian language medium/immersion pathway that focuses on Hawaiian speaking families and other forms of education toward producing a high proficiency in Hawaiian. These include various courses taught through Hawaiian at the college level and some high school and community language learning. I will also include information on parallel work of our College in resourcing Native American language medium education on a national level and a Native American Teacher Education Pathway bill.

Like Namaka Rawlins, I will list barriers to the human and other resource development work of the College before going into details of that work.

1. Most university faculty and administrators outside our college and external funders see us as a standard foreign language and foreign area studies program. However, we lack the resources that such foreign language and area studies programs receive, including any of the fifteen federally funded National Foreign Language Resource Centers. The lack of such support severely hampers our ability to reach the full potential of our various Native Hawaiian and other Native American programs. We, therefore, very much appreciate the work that you, Senator Schatz, and the Senate Indian Affairs Committee have put into the bill to establish Native American Language Resource Centers.

2. Ka Haka 'Ula O Ke'elikōlani college focuses highly on teacher training for Hawaiian language medium/immersion P–12 teachers. There is a critical shortage of fully proficient teachers in Hawaiian, well prepared in a wide range of content areas and trained in delivering education from a Native language and culture-based foundation. Because of the unique language and cultural elements, our teachers require more preparation than any standard English medium teacher preparation. There is a nationwide shortage of teachers prepared for Native language medium/immersion, Native culture-based, and schools in communities with a high population of Native students. Not addressing this critical teacher shortage hinders and impedes the implementation of highly successful Native language/medium education that builds upon its language and cultural strengths. Our state DOE projects that Hawaiian medium/immersion schools will have a shortage of 75 teachers for the upcoming school year. This data does not include the Hawaiian medium/immersion charter school shortage. Some estimate the total state shortage for the upcoming school year to be around 100 teachers statewide for the 28 K–12 Hawaiian medium/immersion schools. The National Indian Education Association has collaborated on new legislation called the Native American Teacher Education Pathway Act. I am part of the Committee working on developing this bill which has received national

feedback in its development from all three Native American groups. We would like to request your consideration, Senator Schatz, in introducing the bill.

3. Our College provides curriculum materials and resource materials to schools. We and other Native American language programs lack access to direct funding to create such materials and resources. Grants are highly competitive and require much work to develop grants and fit them into competitive preferences while still focusing on the priorities we know to exist in the schools we are serving. What limited competitive grants are available are generally written with requirements based on the needs of English medium schools rather than the Native American language medium/immersion schools that we serve. In addition, as a state system with no tribal schools or boards, we also do not meet the criteria for some grants that fit well with the needs of the schools and students we serve. Improving the grant definitions and where the grants are administrated may provide increased access to Hawaiian medium/immersion education and other potential funding to support funding and program access for innovation in the Native Hawaiian Community.

4. Fourth, there is a need for direct funding for Native students and services of students enrolled in our Native Hawaiian and Native American streams. Native American language and culture study is largely under the radar in terms of federal and private foundation support. Available funding that focuses on individual Native Americans is most commonly directed to areas where Native students are highly underrepresented, e.g., engineering, computer science, and medicine. Although programs in higher education teaching Indigenous languages and cultures are uncommon, where they exist, such as here in our College, it is always the area of higher education where Indigenous students are the majority. Because our area of study has a majority of Native students, our students can be designated as a lower priority in funding focused on increasing the percentage representation of Indigenous students. However, because so many of our students become involved in education, they have a much more significant impact on Native youth as a whole than areas for which funding for Native students is more readily available. A further barrier for students in our area is that they often take longer to finish their undergraduate studies. This is because we are training individuals who are not only becoming proficient in the Indigenous language and culture but also in an academic content area that they intend to teach to Native students. Thus, here at Ka Haka ʻUla O Keʻelikōlani, many of our Native Hawaiian Studies students are pursuing a double major in another area. The time to accomplish this typically extends beyond the standard four or five years of scholarship support provided to Native students.

Although we face many barriers, our College has made steady progress in developing our P–25 preschool to the doctorate (P–25) programs.

The Hawaiʻi State Legislature mandated Ka Haka ʻUla O Keʻelikōlani College. The establishment of the College brought together the Hawaiian Studies Department, the Hale Kuamoʻo Hawaiian Language Center, and the Nāwahīokalaniʻōpuʻu K–12 School site (then operated with special support from the Office of Hawaiian Affairs, the non-profit ʻAha Pūnana Leo and the Hawaiʻi Department of Education. The mandate is reflected in Act 315 and resulting HRS 304A 1301–1302 and other statutes that refer to distinctive responsibilities of the College.

Since the passage of that mandate in 1997, we have added to our basic Hawaiian language medium B.A. in Hawaiian Studies, a Hawaiian language medium graduate level teacher education certificate in Indigenous language medium education, a Hawaiian medium M.A. in Indigenous Language and Culture Education, a Hawaiian medium Ph.D. in Hawaiian and Indigenous Language and Culture Revitalization and a Hawaiian language medium lower-division certificate in Indigenous language medium early childhood education. We also provide dual college enrollment for Hawaiian speaking high school students in a selected range of general education courses taught in Hawaiian, including World History, Statistics, and Sociology. We hope to expand those courses to fulfill our legislative mandate to provide liberal education through Hawaiian.

Ka Haka ʻUla O Keʻelikōlani is administered and operated through Hawaiian, the only College administered and managed through a Native American language. All our faculty and staff are bilingual in Hawaiian and English, and several are proficient in other languages. Our exceptionally high credit load for our majors and our cultivation of Hawaiian as our working language is necessary to reach the high level of proficiency essential to resource Hawaiian language medium schools. However, we also serve the general student body of UH Hilo, who simply want to fulfill the

standard second language study in other universities. For those non-majors, we offer introductory Hawaiian language and culture courses in English.

On a more extensive level, we have an outreach program to other Native Americans and Indigenous peoples that runs parallel to our Hawaiian language medium undergraduate and graduate program. Such outreach is also part of our legislative mandate.

Linguistics is the scientific base from which we approach language revitalization. At the undergraduate level, we provide an English medium B.A. in Linguistics. Students may also simultaneously pursue the study of their traditional Native American languages while enrolled in our Linguistics program and apply that study to our undergraduate Certificate in Indigenous Multilingualism. Another alternative is to develop their traditional Native American language knowledge before transferring to our Linguistics program, perhaps by attending a Tribal College.

Our most developed program in serving other Native American peoples is at the doctoral level. Beginning over a decade ago, we initiated an English medium strand in our Ph.D. program that enrolls Native American students. That program is an important resource for the United States and Canada as there are no programs like it at present elsewhere. The languages represented in that strand are Lakota, Mohawk, Arapaho, Tlingit, Dakota, Inupiaq, Ojibwe, and Samoan. Our non-Hawaiian students in the Ph.D. program typically work in Native American language medium schools or higher education while studying in our program. Our first graduate from this English strand is Dr. Lance X'unei Twitchell, who heads the Native Alaskan program in Juneau at the University of Alaska Southeast. He was recently recognized as the Young Alaska Native of the Year. Several others are employed in higher education or are administrators in Native Schools.

We have been working on expanding our support to Native America beyond our Ph.D. and Linguistics B.A. Our graduate-level teaching certificate has been approved to be delivered in languages other than Hawaiian.

We have discussed offering it through Ojibwe and/or Towa. For our Towa program, we have been working closely with the Education Department of Jemez Pueblo in New Mexico. We have also begun a pilot offering an English stream for non-Hawaiian-speaking Indigenous peoples of our Master's in Indigenous Language and Culture Education. Another feature of our work with other Native Americans is a shared course at the Master's level where we work with Indigenous teacher training universities in Arizona and Alaska as well as those in British Columbia and New Zealand. We see our work in cooperation with other U.S. universities and tribes as a model for what could be done cooperatively should the Native American Language Resource Center bill pass. Mahalo again to you, Senator Schatz, for introducing that bill with strong support from Senator Murkowski. Work with Alaska Natives has strengthened our programs here. In particular, I'd like to mention the late Dr. Bill Demmert, Tlingit, a founder of the National Indian Education Association. Dr. Demmert provided key advice to us in our beginning efforts in the assessment of our Hawaiian medium program and sponsored Native Hawaiian inclusion in the National Indian Education Association, with Namaka and myself among the pioneering members that he brought into the NIEA.

I mentioned earlier that Ka Haka 'Ula O Ke'elikōlani also maintains the Hale Kuamo'o Hawaiian Language. That work is crucial for Hawaiian Language Medium Schools, university students at UH Hilo and elsewhere, and adult learning.

HALE KUAMO'O HAWAIIAN LANGUAGE CENTER

The Hale Kuamo'o Hawaiian Language Center was established in association with the UH Hilo Hawaiian Studies Department in 1989. The 'Aha Pūnana Leo worked in partnership to provide materials to the Center for distribution to the growing number of Pūnana Leo preschools and follow-up Hawaiian immersion elementary school programs. The Hale Kuamo'o is operated through awards of competitive grant funds and student workers from the College.

The Hale Kuamo'o focuses on material originally written in Hawaiian or developed from a Hawaiian perspective for over two decades now. It has produced over 700 of these kinds of publications. It also produces the curriculum materials used by the College itself and those used from preschool through grade 12 in the larger Hawaiian language medium education effort. Entities and individuals also use its materials for studying Hawaiian as a second language. Print materials include posters and charts as well as actual books. Some of the early publications of the Hale Kuamo'o were translations of standard required textbooks in math and science for the state public schools.

The Hale Kuamo'o has allowed some of its materials to be translated into the Ni'ihau dialect to serve the needs of that small community and others to be translated into English for use in English medium Hawaiian culture-based education

when appropriate. It has also participated in projects to produce bilingual Hawaiian-English materials, such as the 'Aina Lupalupa Science materials, in partnership with the Kamehameha Schools. However, the bulk of the materials produced by the Hale Kuamo'o is solely in Hawaiian. The Hale Kuamo'o does not only create and disseminate resources for schools; it also holds in-service training for teachers and parents on how to use materials.

THE ULUKAU ELECTRONIC HAWAIIAN LIBRARY

In addition to its print publications, the Hale Kuamo'o has led the electronic dissemination of Hawaiian language materials. This began with the first Hawaiian computer fonts and Hawaiian email services. Electronic versions of its print books allow Hawaiian medium/immersion schools to print out copies of books when students lose them or they are somehow destroyed.

The Hale Kuamo'o pioneered the electronic dissemination of archival written materials in Hawaiian. Those include land deeds and other government materials; however, the most significant for Hawaiian language medium schools are Hawaiian language newspapers, which span from 1834 through 1948, consisting of some 125,000 pages in the Hawaiian language. These newspapers, available through the Hale Kuamo'o's Ulukau Electronic Hawaiian Library in various formats and in cooperation with partners such as the Office of Hawaiian Affairs, are extremely important in providing materials for the study of Hawaiian history, literature, and culture for the Hawaiian language medium schools and college students.

A parallel collection of materials, the Kani'āina Hawaiian language tape archives available through Ulukau include audio and videotaped collections of the last traditional Hawaiian language-speaking elders. College faculty member Dr. Larry Kimura collected the majority of these tapes from the early 1970s to the end of the 1990s. These materials are widely accessed by students of Hawaiian and teachers in Hawaiian language medium schools.

While there are several thousand hits to the Ulukau electronic library collections of Hawaiian newspapers and the Kani'āina tapes, the most widely used collection of Ulukau is its Hawaiian dictionaries collections. Those collections include most of the dictionaries and lexicons of Hawaiian since the establishment of the Hawaiian writing system in the 1820s. It includes the words collected and created by the Komike Lekikona Hawai'i established with elders at the beginning of the 'Aha Pūnana Leo and continuing through to the present. Over 35,000 Hawaiian words are available through these dictionaries. The dictionaries' sites receive over 1.7 million hits per month.

The Hale Kuamo'o has a process for approving what materials can be posted. The main criteria are in or about the Hawaiian language and culture and are useful for a segment of the population seeking to learn and spread the Hawaiian language. Many other documents are useful for Hawaiian language and culture study and schooling on the Ulukau site, including materials created by teachers for their students and the Hawaiian Bible.

OTHER ACTIVITIES

Ka Haka 'Ula O Ke'elikōlani is the venue for conferences, meetings, and ceremonies for the Hawaiian speaking public, the Native Hawaiians involved in the more extensive education of Hawai'i, other professionals and community members, Native American educators, and Indigenous educators.

In closing then, Ka Haka 'Ula O Ke'elikōlani is the primary resource provider for the larger Native Hawaiian language and culture-based education movement in the state of Hawai'i. Those resources are the first human, highly trained teachers and researchers, and second material. We are the primary source of such human resources in the state.

The material resources that we provide are publications, primary resource materials, and reference materials. The volume of material support that we provide is very substantial. However, the development and even distribution and maintenance of those materials are highly dependent on winning competitive grants.

Mahalo a nui loa for the invitation to provide testimony on this very important hearing topic.

The CHAIRMAN. Thank you.

Ms. Kalili, please proceed.

STATEMENT OF AMY KALILI, PARTNER, PILINA FIRST LLP

Ms. KALILI. [Greeting in Native tongue.] Aloha kakou. Mahalo nui as well for this opportunity to speak with you today, Senator.

My name is Amy Kalili, and while my ohana hails from Pa'ala'a, we are commonly known today as Hale'iwa on the north shore of Oahu. I grew up right here in Hilo, Hawaii. I have been involved in the Hawaiian language movement since the 1990s. In fact, my mentors and the programs that nurtured and cultivated my fluency now occupy this very building that we are meeting in today. So I am honored to be here with all of them this morning.

I am privileged to have worked alongside these amazing [phrase in Native tongue]. To my right Nāmaka [indiscernible], she was in our immersion program, and Keiki [indiscernible], in varying capacities at Aha Punana Leo here at and Ka Haka ʻUla o Keʻelikōlani and at Ke Kula ʻo Nawahiokalaniʻopuʻu as well. My more recent endeavors, however, have taken me a step away from the core group of this Hawaiian Language Consortium and those partners, if you will, out into the broader community, advocating for and supporting language efforts there.

There is no doubt that our preschool through 12th grade Hawaiian language programs are the driving force of our Hawaiian language movement. But we all know that this movement is much more than a collective of children in schools. At the core of this movement are the ohana, whose keiki are in the schools and they are pursuing ʻolelo Hawaiʻi as the primary language for their children and for their homes. As that core continues to grow, so do the concentric rings that ripple out from that core. Those rings include individuals and ohana that know some Hawaiian words and phrases or are even learning ʻolelo Hawaiʻi but aren't necessarily pursuing an extremely high ʻolelo fluency.

Some run businesses and organizations that use ʻolelo Hawaiʻi in some capacity, and there are thousands more who support the movement in other ways. They give financially, they support and pass policy measures necessary to ensure equity and parity for these language programs, they lend their celebrity and influence to elevate the perceived status of language. They provide platforms and dissemination mechanisms to extend the capacity, reach, and impact of our ʻolelo Hawaiʻi. Whatever their specific contribution, these outer rings of engagement and support are fundamental to the movement overall, and to the ultimate success of the group of students, ʻohana and kumu that are at the core in these Hawaiian language schools.

The perceived relevance and capacity of ʻolelo Hawaiʻi as a thriving, living language that should be used in all sectors of Hawaii is critical to the sustained progress of our language schools and programs. Its relevance, the relevance of the language, will either be cultivated or diminished in the larger context of the movement. For example, next year, correct me if I am wrong, next year, 2023 will mark the 40th anniversary of ʻAha Punana Leo. We have educated thousands of kamali'i and ʻopio entirely through Hawaiian language. Many of them are now well into their careers, some gaining high paying positions, not in spite of but because of their fluency in Hawaiian and the perspective and worldview that comes with that

Yet wee still have policy makers and leaders in our own community wondering, what is the real value of them gaining fluency? Why are we trying to use ʻolelo Hawaiʻi in as many contexts as pos-

sible? That, in my humble opinion, is an awareness perception and relevance issue, an issue that has unfortunate implications for the long-term support of the language schools and programs regardless of the amazing work being done therein.

Whether for the benefit of our political and community leaders, our own ʻohana, and especially for our ʻopio and keiki, it is imperative that we support the use of ʻolelo Hawaiʻi in the domains that affirm that it is a language of capacity. One of the most important domains for language presence is media. The ubiquitous nature of media makes it such that if we do not embrace and harness its power to our benefit, it will become an immense barrier to the normalization of all of our Native languages.

ʻAha Punana Leo's longstanding partnership with ʻOiwi Television Network blazed a trail of sorts in this area back in 2008 with our ʻAhaʻi ʻOlelo Ola news programming on Hawaii's CBS-affiliate, Hawaiʻi News Now. It was an honor to anchor, produce, and write for that programming, and it was even more rewarding because I got a chance to see first-hand how this work in media, in the broader landscape of the language movement, had a direct impact on the work being done in our language schools and programs. We still to this day have students and parents approach us to say how seeing Hawaiians on TV, Hawaiians using Hawaiian in that way and in that space, was a game-changer. It broadened the imagination of our community in terms of what is possible and how our language can and should be used.

Equally satisfying is watching local programming, like our Merrie Monarch broadcast, where now we have each and every commercial break including spots or commercials that are in Hawaiian, commercials by businesses who understand the added economic value of connecting with our community and our culture in this way.

Unlike many of our indigenous cousins around the world, however, our Native language broadcast programming doesn't receive stable government funding, State or Federal. This is in stark contrast, for example, to the Maori broadcast efforts in Aotearoa that receive upwards of 40 million New Zealand dollars annually and Welsh initiatives that receive well over 80 million pounds annually from the government.

Another key partner in the Hawaiian Language Consortium working to uplift and normalize the use and relevance of Hawaiian language in broader context is our ʻImiloa Center, which is right across the street, up the road here. One of ʻImiloa's recent initiatives that brought our language front and center in the world of astronomy and landmark discoveries being made therein is the A Hua He Inoa program, meaning "to bring forth a name." A Hua He Inoa is a collaborative effort led by ʻImiloa that is weaving traditional indigenous practices into the process of officially naming astronomical discoveries. This is yet another acknowledgement of the capacity and relevance of ʻolelo Hawaiʻi and the worldview that it informs in modern context.

The program creates a context where Hawaiian-speaking students are immersed in knowledge from ʻolelo Hawaiʻi experts, education leaders, and top research scientists from Hawaii's astronom-

ical observatories. These haumana working alongside these mentors to create [phrase in Native tongue] or Hawaiian names.

Building on the impact that this integrated programming has on our haumana when they are given skills and platforms that reiterate the relevance and importance of their fluency, we will be combining the efforts of 'OiwiTV and 'Imiloa's work in science and technology this fall to create coursework in digital storytelling to be delivered here at Ka Haka 'Ula through Hawaiian Language College. We will be teaching news writing and distribution strategies, along with components of production work, data visualization, animation, and even exhibit development, all again through the Hawaiian language.

While these and other Consortium initiatives are made possible by creative collaboration and creative funding, having stable streams of support for innovative program development like this is critical to the continued success of the Consortium's work.

Another vital complementary component of our movement that has been fundamental to the growth of our Hawaiian language medium schools has been cross-community collaboration with both Keiki and Nāmaka have referenced. From early advocacy efforts to simply affirm the right to educate our children in their Native language to the ongoing development of the educational programming that has been referenced today, and then our delving into media even, and these science and technology endeavors, collaborating with other indigenous language communities has been fundamental to success.

Our Mokuola Honua, Global Center for Indigenous Language Excellence, was developed as a gathering place, both physical and virtual, to foster collaborations on a wide range of indigenous issues and strategies, all of which are grounded in strong language fluency. The Consortium had organically been developing strong relationships with other indigenous communities engaged in language efforts since the 1980s. These informal efforts were born out of necessity due to the limited resources that are typically available to indigenous language efforts as well as the small numbers of those actively pursuing such initiatives.

The Center's goal is to provide structure, purpose, and space to create a national and international network supporting indigenous language revitalization globally, and it is housed here at Hale'olelo.

In conclusion, support for the integration of 'olelo Hawai'i as a practical language of capacity and prominent high impact and high visibility domains, such as media and science and technology are critical to the ongoing relevance of our language to have it actually [phrase in Native tongue] or to live and be used in our community. This in turn solidifies the broader context for support and normalization to ensure our language schools and programs thrive.

And our ability to continue to engage with and support the language revitalization and normalization efforts of our indigenous cousins nationally and internationally will allow for accelerated success as a global collective, impacting these individual communities and precious [phrase in Native tongue] here in Hawaii and around the world.

Mahalo nui loa [phrase in Native tongue.]

[The prepared statement of Ms. Kalili follows:]

PREPARED STATEMENT OF AMY KALILI, PARTNER, PILINA FIRST LLP

E ka Luna Hoʻomalu ʻo Schatz, ka Hope Luna Hoʻomalu ʻo Murkowski a me nā lālā a pau o kēia komike, aloha nui kākou and mahalo for this opportunity to speak with you regarding funding and program access for innovation in the Native Hawaiian Community, particularly as it relates to the renormalization of our Hawaiian language in its homeland.

My name is Amy Kalili. While my ʻohana Hawaiʻi hails from Paʻalaʻa, more commonly known today as Haleʻiwa on the north shore of the island of Oʻahu, I grew up right here in Hilo Hawaiʻi. I have had the privilege of being involved in the Hawaiian Language movement since the 1990s. My mentors and the programs that nurtured and cultivated my fluency now occupy this very building we are meeting in today and they continue to be at the tip of the spear, leading a movement that has become a national and international model of indigenous language revitalization.

Although the Hawaiian language medium schools—that my colleague Nāmaka Rawlins will speak to at length in this hearing—were established well after my formative years, I did "grow up" in and around these efforts starting early on in my college years. From the undergraduate (BA Business Administration, BA Hawaiian Studies) and graduate (JD/MBA) degrees I have completed, to the positions I have held and businesses I have built and run in my professional career, all were motivated by an aloha and commitment to uplifting our ʻōlelo makuahine. The goal of E Ola ka ʻOlelo Hawaiʻi—the Hawaiian Language Shall Live—is an audacious one, but one that changed my life and thousands of others who are a part of our aukahi ʻōlelo Hawaiʻi, our Hawaiian language movement.

Success of Native Language Schools and Programs Dependent on Broader Reach and Awareness

My testimony is an extension of Nāmaka Rawlins' testimony—highlighting the P–12 segment of our Hawaiian language medium schools—as well Keiki Kawaiʻaeʻa's—which focuses on higher education and its crucial role in resourcing the P–12 programming. While I have worked alongside both Namaka and Keiki at the ʻAha Pūnana Leo and Ka Haka ʻUla o Keʻelikōlani Hawaiian Language College, as well as Ke Kula ʻo Nāwahīokalaniʻōpuʻu, my more recent endeavors have taken me a step away from this core Hawaiian Language Consortium[1] out into the broader community, advocating for and supporting language efforts there.

While the P–12 schools are the driving force of the Hawaiian language movement, the movement is more than a collective of children in schools. It is a collective of people, young and old, many with keiki, moʻopuna, and nieces and nephews in these schools. Many are parents who have gone back to school themselves to become teachers and administrators. There are ʻohana who have learned alongside each other to engage civically in order to change and promote policy in support of the movement. And we also have our graduates who are well into their careers using and applying ʻōlelo Hawaiʻi in those settings and many now raising their own children, completing and continuing the cycle.

At the core of this movement are the ʻohana whose keiki are in our schools and they are pursuing ʻōlelo Hawaiʻi as the primary language for their homes. As that core continues to grow, the concentric rings that ripple out from that core are growing as well. Those rings include individuals and ʻohana who know some Hawaiian words and phrases or are even learning ʻōlelo Hawaiʻi but will never reach a high level of fluency. They run businesses and organizations that use ʻōlelo Hawaiʻi in some capacity. There are thousands more who support the movement in other ways. They give financially. They support and pass policy measures necessary to ensure equity and parity for these language programs. They lend their celebrity and influence to elevate the perceived status of the language. They provide platforms and dissemination mechanisms to extend the capacity, reach and impact of our ʻōlelo Hawaiʻi. Whatever their specific contribution, these outer rings of engagement and support are fundamental to the movement overall and to the ultimate success of that core group of students, ʻohana, teachers, professors, curriculum developers, and administrators in the Hawaiian language medium schools.

I have had the honor and privilege of being a part of that core group, as a student and lecturer at this Hawaiian Language College, a student-teacher at Nāwahīokalaniʻōpuʻu, and in multiple capacities at the ʻAha Pūnana Leo including Executive Director. However, my work outside of that core group—currently in

[1] The Hawaiian Language Consortium partners include the ʻAha Pūnana Leo, Ka Haka ʻUla o Keʻelikōlani Hawaiian Langauge College, Ke Kula ʻo Nāwahīokalaniʻōpuʻu, and the ʻImiloa Center.

media and communications alongside partners and clients who see and embrace the value of a living language here in Hawai'i—has been just as critical as my time spent in the core of the movement.

The perceived relevance and capacity of 'ōlelo Hawai'i as a living language to be used in all sectors of Hawai'i is fundamental to the long-term success of our language schools and programs. This relevance will either be cultivated or diminished in the larger context of the movement and Hawai'i overall. Next year, 2023, will mark the 40th anniversary of the 'Aha Pūnana Leo. We have educated thousands of kamali'i and 'opio entirely through Hawaiian. Many of them are now well into their careers, some gaining high-paying positions not in spite of, but because of, their fluency in Hawaiian and the perspective and worldview that comes with that. Yet, it was just a few months ago in casual conversation about the schools and programs that one of our policymakers here in Hawai'i asked what the real value of having these children educated in 'ōlelo Hawai'i was. That is an awareness, perception, and status issue; an issue that has unfortunate implications for the long-term support for the language schools and programs regardless of the amazing work being done therein.

Whether for the benefit of our political and community leaders or our own 'ohana, and especially our 'opio and keiki, it is imperative that we support the use of our native languages in the domains that affirm that it is a language of capacity.

Supporting Use of Language in Media

One of the most important domains for language presence is media, both broadcast media but also new media. The ubiquitous nature of media makes it such that if we do not embrace and harness its power to our benefit, it will become an immense barrier to the normalization of our native languages. Media has a significant potential to contribute to language revitalization. It can help address the issue of prestige and status, but can also help expand the use of the language into other domains including government and business, and can also support language learning itself.

'Aha Pūnana Leo's long-standing partnership with 'Oiwi Television Network—and its key partners including Paliku Documentary Films, Makauila Inc., and Pilina First—blazed a trail in this area back in 2008 with our 'Aha'i 'Olelo Ola news programming on Hawai'i's CBS-affiliate, Hawai'i News Now. It was an honor to anchor, produce and write for that programming as I got to amplify the stories—to multiple thousands of Hawaiian speakers and non-speakers each morning and on the weekends—about the amazing work being done in our communities. This platform also gave us an opportunity to bring a different perspective to issues impacting not only the Native Hawaiian community, but Hawai'i overall. It was even more rewarding because I got to make the connection, firsthand, to how this work in media, in the broader landscape of the language movement, had a direct impact on the work being done in our language schools and programs. We still to this day have students and parents approach us to say how seeing Hawaiians on TV, more so speaking Hawaiian and using Hawaiian in that way, was a game-changer. It broadened the imagination of our community in terms of what is possible and how our language can and should be used. Even more satisfying is watching programmings like the Merrie Monarch broadcast, the largest locally produced show, where the talent is not only able to speak about this traditional practice of hula in both languages but each and every commercial break includes spots done in Hawaiian; commercials by businesses who understand the added economic value of connecting with our community and our culture.

Unlike many of our indigenous cousins around the world, however, our native language broadcast programming does not receive stable government funding, state nor federal. This is in stark contrast for example to the Maori broadcast efforts in Aotearoa that receive upwards of $40 million annually and the Welsh initiatives that receive well over 80 million pounds annually.

Ongoing Support for Bilingual Science and Technology Programming

The 'Imiloa Bilingual Science Center—located just across the road from where we are gathered here at Hale'ōlelo—is another key partner in the Hawaiian language consortium working to uplift and normalize the use and relevance of Hawaiian language in areas of cutting-edge technology. 'Imiloa is an informal science center; the only Hawaiian-English bilingual center of its kind. It was envisioned by the late Senator Daniel Inouye to bring Hawaiian culture and science together.

One of 'Imiloa's recent initiatives that brought our language front and center in the world of astronomy and landmark discoveries being made therein is the A Hua He Inoa program. Meaning "to bring forth a name," A Hua He Inoa is a collaborative effort led by 'Imiloa that is shifting global paradigms, positioning Hawai'i as

the first place in the world to weave traditional indigenous practices into the process of officially naming astronomical discoveries. As we celebrate 40 years of revitalizing ʻōlelo Hawaiʻi, this is yet another acknowledgment of the capacity and relevance of ʻōlelo Hawaiʻi—and the world view that it informs—in modern contexts.

The program creates a context where Hawaiian-speaking students are immersed in knowledge from ʻōlelo Hawaiʻi experts, education leaders, and top research scientists from Hawaiʻi's astronomical observatories. They peer into the world of scientific research, learn about the recent discovery of celestial bodies, and expanded their understanding of the vital relationship, and role, of tradition and culture in modern-day science.

Building on the impact that this integrated programming has on our haumana when they are given skills and platforms that reiterate the relevance and importance of their fluency, we will be combining the media efforts of ʻOiwiTV and ʻImiloa's work in science and technology this fall. We will be developing coursework in digital storytelling to be delivered at the Hawaiian Language College. These will be dual-credit courses whereby Nāwahīokalaniʻōpuʻu high school students can enroll in the courses and receive both high school and college credits. We will be teaching storytelling, news writing, dissemination and distribution strategies, along with components of production work, data visualization, animation, and exhibit development, all through the Hawaiian language.

While these and other Consortium initiatives are made possible by creative collaboration and funding, having stable streams of support for innovative program development like this is critical to the continued success of the Consortium's work.

Support for Cross-community Collaboration

From the early advocacy efforts to simply affirm the right to educate our children in their native language, to the ongoing development of educational programming, and then our delving into media and even these science and technology endeavors, collaborating with other indigenous language communities has also been fundamental to success.

Our Mokuola Honua: Global Center for Indigenous Language Excellence was developed as a gathering place—both physical and virtual—to foster collaborations on a wide range of indigenous issues and strategies, all of which are grounded in strong language fluency. The Consortium had been organically developing strong relationships with other indigenous communities engaged in language revitalization efforts since the 1980s. These informal collaborative efforts were born out of necessity due to the limited resources that are typically available to indigenous language efforts as well as the small numbers of those actively pursuing such initiatives.

The Center's goal is to provide structure, purpose, and space to create a national and international network supporting indigenous language revitalization globally and it is housed here at Haleʻōlelo.

Mokuola Honua has hosted symposiums engaging representatives from indigenous communities around the world. The Center has also developed and delivered programming for high school and college students to broaden their understanding of international language efforts and what it is like to advocate at the United Nations for indigenous language rights; advocacy efforts that increase their own understanding and appreciation for what they are fortunate to be a part of here at home. Mokuola Honua has also supported candidates in the College's Masters and Ph.D. programs from other indigenous communities allowing them to earn these degrees in a program focused on the language work they do with their own people. The Center is also an extension of the work that ʻAha Pūnana Leo has done for decades in welcoming other peoples to visit and learn from our programs here in Hawaiʻi.

Conclusion

Mahalo nui loa again to you all, e ka Luna Hoʻomalu ʻo Schatz, ka Hope Luna Hoʻomalu ʻo Murkowski a me na lala a pau o keia komike, a peia pu ia ʻoukou e na limahana kakoʻo for this opportunity to share some of the work we are intimately involved in. I leave you with a few points to consider as it relates to areas of needed support for the broader context of the aukahi ʻōlelo Hawaiʻi that are vital to the success of our core language schools and programs.

1. Dedicated Hawaiian language media funding streams will allow us to harness the ubiquitous nature and power of this domain, affirming the status, relevance, and capacity of our language. This will address the issue of prestige and status, but can also help expand the use of the language in other domains, and can also directly support language learning through the delivery of educational content and curriculum to even more learners.

2. Dedicated funding that supports continued innovations in the integration of language and culture in science and technology in meaningful, practical ways

is another means to affirm the capacity of our language and the place of our worldview in modern contexts.

3. Dedicated resources for the ongoing collaboration on research, innovation, and program development across indigenous language communities will allow us to continue to visit, lean on, learn from and share with each other.

The CHAIRMAN. Mahalo to all of you. Incredible information. Just the way we are going to work, my staff is taking notes, this is going to be part of the official hearing record. I want to reiterate, hearings can be a little performative, actually they usually are performative. I see members back in the Senate come in, do their five minutes, post it in Instagram. That is not this. This is to figure out what we can all do together.

So I am going to give you a few minutes of advance warning about kind of the main question I want to ask each one of you. What are your recommendations? What can we actually do for you? If you can be as specific as possible, I want to make sure we have our marching orders from you.

While you are thinking on that, I wanted to start with Ms. Kalili, and just think about the normalization and popularization of the Native Hawaiian language everywhere. I was thinking about the bank machine in Hawaiian now, and I think the Star Advertiser does it as well. So lots of it is happening.

The question is twofold. What is next? What is the next level of normalization, so that it becomes commonplace and not just, oh, that is neat that they did that, but rather, it is expected that they do that. Then, do you have any concerns, how do you balance that against outside forces who may want to commercialize or own or even bastardize the use of language and culture? In a way, it is a high class problem to have lots of people enthused about the Native Hawaiian language. But it does strike me that it could be a problem if you have international corporations who want to monetize this without, you know, nothing about me without me. Some of these folks love to make decisions without us.

So what are the next steps in normalization and popularization of the Native Hawaiian language, and how do we balance against people who may not share our values?

Ms. KALILI. Yes, acknowledging off the top that it is a delicate dance, if you will, I think personally as it relates to normalization, absolutely continuing, being able to develop that core of our movement that I was talking about, in the schools and the graduates that are coming out of them, we have come a very long way in the last, it is going to be 40 years. We now have graduates who have come out of our programs.

That in and of itself is key to normalization because you have literally a new generation of humans walking around who are speaking Hawaiian and using Hawaiian in a much more normal way than would have occurred actually 40 years ago. I think it is also about this cycle of now we have these graduates who have their own keiki. I remember, I don't know if it was your moopuna keiki, but I remember having a conversation with a parent or a moopuna about their keiki, we had gotten to the place where when they are born, if they are fortunate to be born in a Hawaiian-speaking home and have access to a punana leo and to the infant-toddler program, there may very well be at this point a time period where they think

everybody in the world speaks Hawaiian. Then they figure out that, oh, gee, not everybody does.

That is huge. That is a bummer probably for that child. But as a measure of how far a movement has come, that is huge. And that is all of that to say I think that is definitely a step toward normalization.

But I do think definitely what we are seeing as ʻolelo Hawaiʻi starts to make its way into other domains and how strategic we can be about assisting the sustainability of that is also key. Again, to my point in my comments about the use of media, it is there. It will be there whether we like it or not. Media is all around us all the time.

So being able to make use of ʻolelo Hawaiʻi in that domain is huge as well, because it does, it just starts to become a little more normal. Even for myself, and I admit that I am part of the forest, I am in the forest of ʻolelo Hawaiʻi-speaking trees. So initially, however, when I would hear another Hawaiian speaking person and I didn't know, that was huge for me. I would be like, wow, what is that.

It has gotten to the point now where it kind of doesn't phase me anymore. I think that is also part of my normalization, just hearing it. I am thinking of an example right now, and no, it is not my voice on the plane, but when I hear other——

[Laughter.]

Ms. KALILI. Not talking about that voice. But when I hear other flight attendants just naturally speaking Hawaiian on the plane, that is another example, I think, of normalization. So just being able to have it used in other domains is huge.

To your second point about outside forces, not joking, I think we are also fortunate to have so many smart, educated Hawaiians in our community who are literally papered up. We have individuals with degrees, we have attorneys, Native Hawaiian IP attorneys is where I am going to with this. I think we are fortunate because of that. I definitely personally, I do not think that we should shy away from having our language be used in other domains, even if it is by, as you mentioned, corporate entities. But I think the onus is on us to do it in a way to make sure that we have the resources shored up that can support that and make sure that it is done well and done correctly.

But I definitely think, again, to reiterate, I don't think it is something that should cause us to step back.

The CHAIRMAN. That is great. I just think it should be intermediated by Native Hawaiians.

Ms. KALILI. Absolutely.

The CHAIRMAN. So let's start with Ms. Rawlins. I think this might also be for Dr. Kawai'ae'a. What I know about Nawahi is that you have done a fair amount of conferences and trainings with other Native communities that may be in a different phase in terms of the revitalization of language. I am wondering if we can talk specifically about what you have been up to and also more generally for the Committee purposes, when we were contemplating, frankly, a bigger piece of legislation last fall, we had some pretty big plans in the language space across Native American Indian tribes and Alaska Native tribes. We were very excited.

Now, we are probably going to have to do this in increments instead, rather than getting all the money all at once to establish this. But I still want to think through, what is the structure of making sure that it is organically generated from individual and Native communities. But also you learn a ton, right? And how do we share that with other Native peoples across the Country?

Ms. RAWLINS. So what we have been doing, we have been doing this for many, many years, and that is to host. We have been hosting Native American communities to come and visit with us at our campus. On our campus we are able to demonstrate, we call it the model, we are able to have the private non-profit, Punana Leo, with our infants and toddlers program, then into the charter K–8 Nawahi, then into the 9–12 DOE immersion. So right there is a demonstration of private and public education systems where the children are able to get educated, be educated there.

So we have hosted from many tribes the welcoming and then being able to visit classrooms, sit down with us, and we discuss with them, this is how the program here at the university, the doctorate program, was able to bring an outreach to these individuals who are in their community that are now driving their own revitalization efforts in their own languages to be able to work back here with our college. Because they have come through and were able to see what the possibilities are. They come back again and again. Every time they come back, they always say they keep learning more. Because you can't do it all, the 40 years in two days. So they keep returning and they want to know more, and how do we do this. So we have been doing this for many years.

So I think what we saw when you were talking about the big Native American language, what we were wanting to see in potential legislation that was coming forward, it was being able to get, ensure the protection of our Native American languages. We want to have the protection in any kind of legislation that came out that would be protecting our Native American languages. These are small. We are not big governments. We could get run over by the big governments.

So all the funding that we currently have is through competitive, it is competitive funding. We don't even have the space to open up to protect our Native American language nests. We are talking about the nests [indiscernible] that would actually prioritize because if it is that important to us then it becomes prioritized, then the funding does reach into the community and not get swallowed up by the government agencies or what have you.

So it was talking about how funds that might have reserves for these types of programs, and that we would be able to have access into the funding mechanisms that were being talked about and discussed at that time.

The CHAIRMAN. It seems to me that we have done a little better. I remember one of the first projects that we had was to kind of educate the U.S. Education Department about what you were up to and make sure that under Race to the Top that we were still compliant. But we actually got through that little labyrinth together.

I imagine that it continues. I would just ask you to continue to ask us to oversee. It is DOI sometimes but it is also U.S. Ed to

make sure that they get it. Even when we have established public policy, either through law or rule, that doesn't mean that individual person at the Education Department who is administering a competitive grant program knows where to put this. That is often the difficulty, that there is not a tribe. There is a trust relationship, not a treaty relationship. Once you are talking like that with an education analyst somewhere in Washington, D.C., you are already behind the eight ball trying to explain not just Hawaii but Hawaiians and Hawaiian history and statute and laws and our obligation and the overthrow. They are busy.

[Laughter.]

The CHAIRMAN. But we do need to continue to educate them, because that to me is one of the big challenges. We can make good policy, but sometimes where the rubber hits the road, they are still not listening to you and they still don't know where to put you.

Dr. Kawai'ae'a?

Dr. KAWAI'AE'A. You have made some really good points. I think one of our biggest challenges is really fitting into a box that we don't fit into. Our needs, several of the points that I mentioned, the structure, the fact that we are not tribal, and yet the grants are going to different offices that we can't apply for, for example.

The CHAIRMAN. Can I ask you a quick question? I think you were particularly interested in where the administration of the grants occurred. Can you flesh that out? I think I get it; I think you want people who are a little closer to Hawaii to oversee these grants. What do you mean by that?

Dr. KAWAI'AE'A. I will give you an example. There are immersion funds that are available, they are housed in the Office of Indian Education. The language reads in Native Hawaiians included, but yet as they are administering it, Native Hawaiians aren't able to apply for those. So there are some glitches in the system with how and where they are assigned in the administration. I think even some of the interpretation, that may meet or not meet the true intention of the bill.

The CHAIRMAN. Thank you for that. We experienced this with some of the ARPA funds going to the Department of Hawaiian Home Lands, just for example, where the statute was clear and the appropriation was there. Then they made DHHL apply as if it was competitive grant funding. And there is no other agency specified in the statute.

So two things. First, we are always willing to troubleshoot. But I also think it would be valuable for us to try to anticipate some of these problems and get on the phone in a consultative way to kind of walk some of these folks through what was intended by the statute and what you are up to, so that you are not just kind of in hand-to-hand combat with someone who holds your ability to get funding over you.

You can kind of overdo it, if they are always hearing from the Senator's office. They may shut us all down. So we have to be respectful of your need to have good line-to-line working relationships. But let's be in contact. I don't mind troubleshooting, but I would love to get in front of some of the trouble.

Ms. Nae'ole-Wong, I want to talk to you a little bit about the sort of, I call it experiential learning, service learning, field stuff. When

I was young, that was my first job. I started a non-profit, and everyone was talking about environmental education. I didn't have the technical background in environmental education. So my philosophy was essentially why don't we just get a bunch of kids out and they can help wherever there is a need, pull weeds, plant trees, stabilize soil. The learning will happen organically. I didn't honestly have the background to develop lesson plans. So I just went to schools, recruited them, and then referred them to agencies that needed bodies.

So I am always captured by the idea that someone can learn science through culture or culture through science. So I am wondering if you could talk a little bit more about what you are doing there, and what are the plans for expansion? How can we help?

Ms. NAE'OLE-WONG. Thank you so much for the question, Senator. I think one of the things is just taking a look and hearing about this wonderful past three decades of Hawaiian medium education, and thinking about the broader Hawaiian culture-based education. I think of the time that we were growing up in school, there was just this false dichotomy that there were academic things and there were cultural and linguistic things. There was a dichotomy. And that is a false dichotomy.

So I think that what we are trying to do is to be able to use our culture and our linguistic abilities to be able to teach and educate our students and use that as an edge for the future. So taking a look at the unique interests and purpose of each individual child and student, providing an education that is student-centered around that, to develop their unique interests and to be able to give them hands-on experience in 'aina, across the pae'aina, be it students on the campus or students beyond the campus, to be able to have those connections, be connected to the stories and the mindsets of our kupuna, that come through language, that come through mo'olelo, to be grounded in those mindsets, to be prepared for the future.

The CHAIRMAN. Thank you for that.

Okay, now my original question, which I warned you about. I will start with Ms. Rawlins. If there are one or two things that you want these people who do all the work to know and to work on going out of this hearing, what might it be?

Ms. RAWLINS. I like what you said, to get in front of things before they kind of hit. So in preparing for future legislation, I would like to ensure that our Native American language programs are protected. That means that in any opportunity that becomes available, that we would have an opportunity to, if there are reservations that need to be set aside for these programs or a block, whatever they call it, some kind of stable, it is all about stable funding, so that we can ensure that our teachers, when we talk about having teachers that we can count on, that we would have the funding, that we can count on the teachers, we can employ them and they can count on having this employment and not having burden for us in the child care and early child education and not have that burden on the families so that we can help our families, grow our teachers, and be able to help in that way.

The CHAIRMAN. Ms. Nae'ole-Wong?

Ms. NAE'OLE-WONG. KS has been providing, has been privileged to not only serve the students on our campus, but the 93 percent of Native Hawaiians that are on our campus and has been privileged to partner with the 17 public charter schools that we serve, an additional 4,000 students, support and partner, 34 additional organizations to offer [phrase in Native tongue] Hawaiian culture-based education opportunities during intersession and summer breaks, providing preschool scholarships, serving an additional 1,200 keiki via Hawaii Keiki Scholars. And we support over 1,000 Native Hawaiian K–12 students with scholarships to private schools across the State.

At the higher education level, we have partnered with two private universities to jointly provide full scholarships and wrap-around support to ensure strong student traditions, retention, and completion. But when I take a look at all those partnerships, it is really, really evident to us, echoing what the [phrase in Native tongue] here have already said, is that equitable State and Federal funding for these Hawaiian culture and Hawaiian language based programs at the State and Federal level is what is essential in order for our entire [phrase in Native tongue] to thrive.

The CHAIRMAN. Thank you. I now just observe that because of the history of Kamehameha Schools, and the IRS and all of that, I think there has been a caution on behalf of KS but also on the part of Federal officials to engage. I think it is okay to engage. Not that we don't meet and talk. But I do think there has been a sense that maybe we give each other a little space for udnerstadnable historic reasons. But that is behind us now, and we would love to strengthen our existing partnership. Thank you.

Doctor?

Dr. KAWAI'AE'A. One of the most important things, I think the strategy that has worked really well, and one of the reasons why we have so many Native indigenous people in the Nation, in the world coming to visit us here in Hawaii, is our work around language revitalization that has recentered its focus in family and community.

So bringing families into the fold of education has been very important. To that point, there have been many families that have come in and come into teacher education, to be part of that solution. It is an area of great need. I think for revitalizing Hawaiian language and any indigenous language education has been a huge successful strategy in doing that. Yet it is the most challenging and endangered language. Learning an endangered language at levels you can use across multiple contents and the training that teachers need is huge.

But the result and the investment in that is a game changer in terms of re-centering families and community vitality. So I am really concerned about the teacher education area, because our teachers, teachers across many of the three indigenous groups in the U.S., are also involved in revitalizing highly endangered languages that are treasures for the United States, that are treasures for our peoples in our [phrase in Native tongue] land.

But it takes levels above that, because now they have to have the language, the content knowledge, all the necessary skills and the licenses. It is a struggle for them. I think we need to have a lot

more investment in teacher education that is really centered in the way that we need to do that in revitalizing our languages.

The CHAIRMAN. I forgot to ask you this specific question about the shortage. You said 75 to 100?

Dr. KAWAI'AE'A. Right.

The CHAIRMAN. Does that compound every year?

Dr. KAWAI'AE'A. It is compounding every year. COVID has made a huge hit and our numbers have increased tremendously during the last two years of COVID.

The CHAIRMAN. Learning a language on Zoom is—I am not going to say impossible, but not easy at all.

Dr. KAWAI'AE'A. Absolutely. I give them so much credit. They put so much heart and soul into the work. It is more than teaching, it is revitalizing families and communities by grounding them through our language and culture. To do that, they need to do all the other teacher preparation things in the content areas and methodologies, and knowing how to work with families. So they are in school longer, the proficiency levels that each individual person, their journey they need to take, is a little bit different.

So our programs, in order to meet those needs, have to be really super-rigorous. I don't think the scholarship packages are long enough to ensure that we will be able to support them, to learn and revitalize, to learn their language proficiently enough to now take it into the education field. What in fact we are seeing in Hawaii is Hawaiian language is increasing. We know that it is going through a language shift, it has gone through a language shift. We now have very few Native speaking kupuna; I can count them on my hands and toes now. But we have a whole generation of first speakers that were raised by second language speakers.

So there are some changes, and different kinds of needs.

The CHAIRMAN. I suppose the sign that things have their own momentum is that there is a generation of kids who learned Hawaiian not int eh classroom.

Ms. RAWLINS. Yes.

The CHAIRMAN. Right.

Dr. KAWAI'AE'A. Bringing that into the family across three generations, that is healthy vitality. Education has been a major strategy in that success. So, paying attention to teacher education, helping to support building critical mass of Hawaiian language speakers means that it doesn't only impact education but it now starts to roll in many of the other workforce fields that are seeing in Hawaii.

The CHAIRMAN. Thank you. Ms. Kalili?

Ms. KALILI. Listening to everybody respond, and I don't know that I have something specific to that, is separate from what has already been said, from what Nāmaka said about the ability to have resources, Federal resources, and I don't know what the answers to these are, that is what all the smart people figure out, that isn't competitive. I think that overlays with what I hear Keiki saying. It resonates with me because I was one of those people who was in school forever.

I think it partly is, it is applicable to a whole bunch of things. I am going to get to my immediate point as well. We are trying to excel, when we are talking about education and academics, we are

trying to provide an excellent academic opportunity for these keiki and these ohana. But we are trying to do it through a language that we are revitalizing at the same time that we are trying to provide this excellent education.

I think there is enough examples, thankfully, because we are so far into it, to show that it can be done. It is very successful, and has positive impacts well beyond academics.

To the extent that we can figure out ways to carve out resources or to talk about that kind of programming that has this complex additive to it, and I have no idea what that is legislatively or otherwise but totally willing to work on it with people to figure that out, that would be just a huge support for the Hawaiian language movement.

Not being one of the founders, I constantly give them props for the creative nature with which they have done all that they have done. But to have opportunities that allow us to not have to be that creative in terms of resourcing but in actually growing and expanding these impactful programs would be huge.

I have a similar comment about media. I say it all the time, I have a love-hate with our relationship with our modern cousins, and I use them as an example all the time and I did in my testimony about the type of funding that they get from the government. I know that that is a very different relationship, the relationship that they have with their government and ours as Hawaii.

But figuring that out, and I don't know what agency and what approach that might be, but to figure out a way, whether that is through whatever agency's impact, CPB, we can get into the minutiae which I won't right now. But there are certain FCC regulations that have impacted our ability to garner funds locally on a State level.

So again, trying to find those creative ways where we can garner Federal support for indigenous language media programming, whether that is broadcast media, new media, would be huge.

The CHAIRMAN. I want to thank all the panelists for their extraordinary work, and their great testimony. This feels like a culmination of a lot of important work that we have already done together, mostly you guys, but we try to be as helpful as possible to you in doing your work. It is a culmination of decades, really, of work. It is also to me a restarting of this relationship, even people I know, even people with whom I believe I have a strong existing work relationship with. It is like a renewal of this and a rededication.

To see you, you are talking about the founders, to be able to see that all in one's mind's eye and say, this is going to happen, there are going to be kids speaking Hawaiian, there are going to be bank machines in Hawaiian, there is going to be news in Hawaiian, was a gutsy vision back in the day. Now that it is happening, I think we owe that generation, not just a debt of gratitude, but an additional effort to go that additional step.

I want to thank you very much. I have no additional questions. I want to thank our first panel of witnesses for your testimony. You may receive follow-up written questions for the record from me and other members of the Committee. This panel is excused.

Now we will take a brief recess while we switch out panels. Thank you very much.

[Recess.]

The CHAIRMAN. The Committee will come back to order. We are really pleased to have an extraordinary second panel of witnesses. Without further ado, I would like to introduce our three panelists.

First, we have Ms. Luana Kawelu, President of the Merrie Monarch Festival. Then we will have Dr. Noa Kekuewa Lincoln, the Advisor to the Hawai'i 'Ulu Cooperative, and Research Professor at the University of Hawaii. Finally, we have Mr. Kuha'o Zane, Creative Director at Sig Zane Designs and on the Board of Directors at the Edith Kanaka'ole Foundation.

I will remind our witnesses that your full written statement will be made part of the record. We are going to, as you know, do this formally enough so that it still can be considered a hearing, but informally enough so that we can have an exchange of views and really learn from each other.

Ms. Kawelu, please proceed with your testimony.

STATEMENT OF LUANA KAWELU, DIRECTOR, MERRIE MONARCH FESTIVAL

Ms. KAWELU. I am glad you said that because I am here to talk story with you.

The CHAIRMAN. Good.

[Laughter.]

Ms. KAWELU. My name is Luana Kawelu. My parents were Ronald Saiki and Dorothy Thompson. I was raised by my grandparents, and from the hospital I was taken home by my grandmom and raised by her in Keaukaha. I have three children, Colleen Kawelu, Albert Kawelu, Jr., Cathy Kawelu, all who volunteer at the Merrie Monarch with me. They have no choice, like I didn't have a choice.

[Laughter.]

Ms. KAWELU. So now I am going to talk about the history of the festival. When I first talked to your team, I told them about the history. I said, that is all I can say. And they still invited me to come and tell you the story.

So in 1963, the chairman of the county of Hawaii, which is comparable to the mayor now, wanted to get some kind of economic boost for the county, because we were just devasted by a tsunami in 1960. So she sent two of her administrative assistants to look for something that would boost our economy here and sent them to Maui, because there was a festival on Maui, the Maui Whaling Spree, that was doing good at the time.

So Gene Wilhelm and Uncle George Na'ope were sent over there to see what they could bring back to start and help the economy here. When they came back, they decided to do a festival on behalf of King David Kalakaua. So that was in 1963.

The first festival actually happened in 1964. It included, Uncle George's forte was coronation and pageantry. So he depicted the coronation of King Kalakaua. We also had King Kalakaua beard contests, look-alike contests. We had a barbershop quartet, we had relay races in which mullets were the batons. We actually had a bike race, I don't think even Hilo people know about it. It was a

race from the King Kamehameha statute in Kohala all the way to Kilo. That was something. Pete Beemer was the one who wanted that race to go on. We did it.

We also had the grog shop, with everybody happy in Hilo. We also had exhibition hulas. Merrie Monarch was put together by the county, sponsored by the county, the Hawaiian Island Chamber of Commerce, the different chambers of commerce, the Japanese Chamber of Commerce, and the Big Island Business Bureau.

In 1965, with the new election, the county pulled out as a sponsor. So it was kept on by the Hawaii Island Chamber of Commerce. They were the ones that named a chairperson for the event. That continued until after the festival in 1968. The chairperson stepped down, nobody wanted to come forth to do it. Also, I think the lack of interest in the festival was a big part of that.

So my mom stepped forward in November of 1968 and volunteered to chair this festival. She was working for the County of Hawaii Department of Parks and Recreation in the cultural department, culture and arts. So the end of 1968, she volunteered. She got together with Uncle George Na'ope, because he was a hula master of his time, and asked him to come back. She also asked Albert Nahalea to come back to tend to the music, Uncle George would be the pageantry.

Through Uncle George's connections with the hula world, he met the hula masters of Hawaii at the time. In 1970, she flew to Oahu to meet with some of them. They encouraged her to have a competition.

Then she met more of the hula masters to set up the guidelines, the rules. Auntie 'Iolani Luahine and Lokalia Montgomery were part of that committee. Those are the rules that we have tried to abide by until today.

So 1971 was the first real competition of the hula. That was with nine wahine halau and the Miss Hula contestants. It went okay, not too bad, from 1971 until 1976. Not too bad meaning we had a hard time to sell, we sold buttons as entries to come to the festival for $1. We had a difficult time in selling those buttons. My mom told me stories about her and Uncle George Na'ope frequenting the bars because the people in the bars were the best people to sell to. They bought the buttons.

So we got to sell our buttons and at times we even were, we cut down the price. We would say to the schools, if your club in the school would sell a button, we get 50 cents and you folks take 50 cents. That is how desperate we were to get monies to put the festival on.

Then in 1976, my mom decided to bring the kane halau in. Then it took off after that. I guess everybody wanted to see kane do hula. They had never seen it before probably. So from there on, it just took off.

We are coming upon our 60th anniversary next year. In 1970 was when my mom met with those hula masters. They set new goals which focused more, instead of the grog shop and the bearded contest, more cultural stuff, the hula, arts and crafts, and more of the things King Kalakaua wanted to bring back to Hawaii. He really tried hard to bring that back during his time. So because the fes-

tival was named for him, she felt that was appropriate to go that way, with the blessing of all the hula masters at the time.

The competition is just only one facet of the festival. We have a craft fair, which the crafters that are affiliated with the Merrie Monarch Craft Fair have to be vetted, that their crafts have to be authentic Hawaiian crafts. We were saddened that during COVID, a lot of the crafters are older, and some of them used that time to make money for their families. So I was very saddened to see that we couldn't do that for them for two years.

But we have a parade also, which includes about 10,000 people that come to watch it. Also, with the craft fairs, ours is the official Merrie Monarch Craft Fair. But we have about 10 craft fairs all around the city of Hilo that participate also during the week of the festival.

I would like to read to you some of the questions that we were given, we wanted to know what we would talk about. All I know is the history of it. So I wanted to address this.

Some of the figures I will share with you are from the TV station. So I am not too bright about computer stuff and social medial. What figures and verbiage I say you will probably know, but I am just telling you what the TV station gave me.

The festival's role in sharing Hawaiian culture beyond Hawaii. The mission of the Merrie Monarch Festival is to perpetuate, preserve, and to promote the art of hula and the Hawaiian culture. We endeavor to develop and augment a living knowledge of Hawaiian culture, arts and crafts through workshops, demonstrations, exhibitions and performances of the highest quality and authenticity.

In doing so, we seek to enrich the lives of all Hawaii's people and beyond, including individuals who might not otherwise have an opportunity to participate in the culture. For example, the global reach of the festival is reflected in our social media presence in 146 countries around the world, including eight countries in Africa, Syria, Iraq, Japan, Canada, Mexico, Germany, New Zealand and Australia.

When I told your staff about reaching those in Africa, I am not sure if it was Brianne that told me, yes, that is the kind of stuff we want to know. So the countries, just to let you know, some of the countries in Africa that were represented with viewers were Tanzania, Nigeria, South Africa, Egypt, Rwanda, Ghana, Ethiopia, Somalia. We also had audiences in Syria, Palestine, Iraq, Bahrain, and [indiscernible]. But we have through the TV reached audiences worldwide.

The broadcast extends the reach from those in stadium each night to over 750,000 additional Hawaii viewers on the TV broadcast, plus online users, generating over 30 million impressions. I don't know what impressions means, so you folks can figure it out.

The CHAIRMAN. One impression is one eyeball seeing a thing.

Ms. KAWELU. Well, that made me kind of feel good.

[Laughter.]

The CHAIRMAN. Important.

Ms. KAWELU. Yes. Anyway, the festival's role in supporting local artists and designers through our invitational arts and crafts fair. The four-day long invitational fair, featuring Hawaiian arts and crafts, is a huge draw in and of itself. I know some people, this one

lady who couldn't get tickets this year, she is an optometrist in San Francisco. She wanted to come, just to come to the craft fair.

We also have people from Oahu that I know of who fly up specifically just for the craft fair. They don't come to the hula shows. They fly up, they do their shopping and go home. So the craft fair is very successful. Hopefully, all the other craft fairs around town are successful as well.

The festival's greatest successes and challenges over the last 59 years. Although longevity is one of our successes, we have only canceled the festival once, and you know that because I talked to you on the day that I canceled. That was because of COVID. That was the only time. Otherwise, we have continuously held the event every year since 1963.

This longevity is due in large support to the support of the hula community. Every year, 20 some odd halau make the commitment to come to Hilo to participate in the hula competition. It takes them between $45,000 and $50,000 to come to bring their halau here. That includes the air transportation, lodging, food, local transportation, costumes, it is amazing that they still want to come. My heart goes out to them. That is why I will fight all the way for the halau and the [phrase in Native tongue] is their passion and dedication to their culture that keeps bringing them back. I am in awe of them; how much love they have for hula and their culture that they keep wanting to do this. I highly respect them for that. Their sacrifice and their desire of other halau to participate in the festival ensures the continuation of this event.

Part of the reason the halau want to come back to the festival each year is because of our commitment to perpetuating the traditions of hula and our support of the Hawaiian culture and our community as a whole. We see this as one of our biggest successes, providing a place for cultural practitioners to showcase our living culture and the depth of knowledge that still exists in our community.

Upholding our Hawaiian values and traditions are also one of our greatest challenges today. We have meetings pre-festival once a year with [phrase in Native tongue] and judges. [Hawaiian name] is a judge with us for many, many years. So she knows the challenges. A lot of times the younger people come in and they challenge us, they want to change the rules. We want to keep it as strict as possible to adhere to the traditions. My retort to them when it comes up to the panel and to myself is, why would I change rules that the hula masters gave us? They were our masters, they knew more than us. So I am not going to change. And if it has lasted for 60 years, why would I be a fool and change it?

So my next retort to them is, maybe this festival isn't for you.

[Laughter.]

Ms. KAWELU. But they still keep coming back. They want to come back.

The hula masters who gave us these rules cautioned us to hold fast to these practices and teachings of our elders and to ensure that we don't stray from the path that was set forth before us.

I thank you for hearing me out.

[The prepared statement of Ms. Kawelu follows:]

PREPARED STATEMENT OF LUANA KAWELU, DIRECTOR, MERRIE MONARCH FESTIVAL

The Merrie Monarch Festival's Role in Supporting Hula

The beginnings of the festival did not include an emphasis on the art of hula. It was actually an attempt by the Hawai'i County Executive Officer, what we now call the Mayor, to revitalize Hawai'i Island's struggling economy. In the 1960s the island was still recovering from a devastating tsunami as well as the declining sugar industry. The first 5 years of the festival were organized by various island chambers of commerce including the Hawai'i Island Chamber of Commerce and centered around the pageantry of the Hawaiian monarchy, and the life of our last reigning king, David La'amea Kalākaua. Activities like a coronation pageant, a King Kalākaua beard look-alike contest, barbershop quartet contest, a relay race, and Holokū Ball were part of these early years of the Festival.

In 1968, declining interest from the public and the lack of a chairperson from the chamber of commerce set the festival on a different path, one that sought to replicate the work of Kalakaua by gathering the best hālau hula from around the islands, showcasing Hawaiian arts and artisans, and ultimately celebrating a thriving and resilient Hawaiian people.

Today, 59 years after the Festival's inception, we hold fast to the goals set forth by our kupuna so many years ago. In 1971, encouraged by the hula masters of the day, the Festival held a hula competition featuring 9 wahine hālau. 5 years later men were invited to join the competition, and from that point the interest and excitement around the festival grew. Today, we showcase up to 25 hālau over 3 days of competition, providing a platform on which today's kumu hula, who held tight to the teachings of their kumu, can showcase their generational knowledge. Many more hālau await their opportunity to share their hula traditions on the Merrie Monarch Stage.

However, the hula competition is just one facet of the week-long Festival, which includes a free all-day Hoʻolauleʻa presenting hula and music, mid-day hula performances at the local hotels, a 4-day Hawaiian arts and crafts fair, and one of the longest parades in the islands. All of these activities serve to perpetuate a multitude of Hawaiian cultural practices, like hula, chanting, language, music, cooking, lei making, weaving, carving, and pāʻū riding

The Festival's Role in Sharing Hawaiian Culture Beyond Hawai'i

The mission of the Merrie Monarch Festival is to perpetuate, preserve, and promote the art of hula and the Hawaiian culture. We endeavor to develop and augment a living knowledge of Hawaiian culture, arts, and crafts through workshops, demonstrations, exhibitions, and performances of the highest quality and authenticity. In doing so, we seek to enrich the lives of all of Hawai'i's people, and beyond, including individuals who might not otherwise have an opportunity to participate in the culture.

For example, the global reach of the Festival is reflected in our social media presence in 146 countries around the world, including 8 countries in Africa, Syria, Iraq, Japan, Canada, Mexico, Germany, New Zealand, and Australia. The broadcast extends the reach from approximately 6,000 in-stadium attendees each night to over 750,000 additional Hawai'i viewers on the TV broadcast plus online users, generating over 30,000,000 impressions.

The Festival's Role in Supporting Local Artists and Designers Through Our Invitational Arts and Crafts Fair

The 4-day long invitational fair featuring Hawaiian arts and crafts is a huge draw in and of itself. Some people travel to Hilo specifically to shop at our craft fair, some come as far away as California. Some Hawai'i residents will travel to Hilo for the day, to come and take advantage of the opportunity to buy authentic Hawaiian art at our fair. The fashion industry in Hawai'i is booming, and the businesses of several of these designers were amplified by their participation in our fair, as it is a major venue that draws thousands of people to Hilo each year. We strive to present only authentic Hawaiian cultural art and products, made by the artists themselves, and vet their work before we invite them into the fair. This means that our local businesses benefit from their hard work, and the economy in Hawai'i benefits in turn.

The increase in visitors to Hilo during the festival week has also created an opportunity for other Hilo organizations and businesses to take advantage of the opportunity to attract patrons as well. Craft fairs, music concerts, and food vendors pop up in Hilo during the week of Merrie Monarch, creating further opportunities for local artists, businesses, and organizations.

The Festival's Greatest Successes and Challenges Over the last 59 Years

Our longevity is one of our successes. We have only canceled the festival once in our 59 year history, and that was for health and safety reasons in 2020 due to the COVID pandemic. Otherwise we have continuously held the event every years since 1963. This longevity is due in large part to the support of the hula community. Every year two-dozen or so hālau make the commitment to come to Hilo to participate in the hula competition, investing their time, energy, knowledge, and resources to the endeavor. Their sacrifice, and the desire of other hālau to participate in the festival, ensures the continuation of this event.

Part of the reason the hālau want to come back to the festival each year is because of our commitment to perpetuating the traditions of hula, and our support of Hawaiian culture and our community as a whole. We see this as one of our biggest successes, providing a place for cultural practitioners to showcase our living culture and the depth of knowledge that still exists in our community.

Upholding our Hawaiian values and traditions is also one of our greatest challenges today. The temptation to relax some of our traditions and rules, to cater to the changing whims of the times is something that the hula experts who helped to establish the Merrie Monarch Festival warned against. They cautioned us to hold fast to those practices and teachings of our elders, and to ensure that we don't stray from the path that was set before us.

The CHAIRMAN. Thank you very much.

Dr. Lincoln, please proceed.

STATEMENT OF NOA KEKUEWA LINCOLN, PH.D., ADVISOR, HAWAIʻI ʻULU COOPERATIVE; PRESIDENT, MĀLA KALUʻULU COOPERATIVE; AND ASSOCIATE RESEARCH PROFESSOR, UNIVERSITY OF HAWAIʻI

Dr. LINCOLN. [Greeting in Native tongue.] Aloha kakou.

Thank you for the invitation and opportunity to present today. I am sure my State employer would like me to clarify that my testimony represents my own views as a Native Hawaiian citizen and not those of my employer or affiliations.

If you will forgive me one second, I feel it is paramount to begin with a reminder that the Kingdom of Hawaii, which was a member of the Family of Nations, was illegally overthrown with the assistance of the U.S. military, which has been formally acknowledged but never addressed by U.S. public law, and to state for the record that the highest pursuit of justice would be to support the repossession of the approximately 1.8 million acres of Hawaii's ceded governmental lands to an independent Native Hawaiian government.

This is particularly important in terms of agriculture and our indigenous agriculture and food systems, where the greatest barriers to our development remains the access to land and water resources for the provisioning and growing of food.

Our traditional agricultural management, which cultivated approximately 1 million acres to supply food and resources to an order of about 800,000 individuals, was a manifestation of our Hawaiian kinship worldview that considered humans and human health as inseparable from the environment. Following colonial influences in Hawaii, our economy came to be dominated by plantation agriculture producing specialty crops for export markets, which began to decline in the 1970s and was subsequently replaced by tourism construction and military spending.

Today, Hawaii is really a State of small farms. We have over 7,400 farms in the State with 90 percent of those being less than 50 acres. Our gross agricultural value is currently about $550 million, largely for export, and dominated by a small proportion of

farms, about 10 percent of farms produce 90 percent of that value. Hawaii imports 85 to 90 percent of our food supply, and we rely on the just-in-time importation system, meaning that at any given point in time we have about a three-day food supply stored in the State, putting us in a very precarious place in terms of disaster resilience and food security, and equating to about $5.9 billion in food imports to the State every year, placing a drain on our economy.

We produce less than .5 percent of our staples locally. Particularly our indigenous crops and indigenous staples are in very low supply. Even our most critical and sacred staple of kalo we still import because we don't produce enough with our own State.

Local calls for food system reform, which have often been led by Native Hawaiian leaders, focus on strengthening our food security, resilience, landscape preservation of our State as well as cultural revitalization.

I didn't focus on my own work so much, so I would like to quickly highlight some general success stories to demonstrate where I see key opportunities lying in terms of rebuilding Hawaii's food system and Native Hawaiian wellbeing.

MA'O Organic Farms is the largest certified organic vegetable producer in the State, with 100 percent of production going toward local markets. Their approach, which is rooted in Hawaiian epistemology, marries agricultural production to community education, engagement, and health outcomes. This approach has attracted a whole new generation of youth that want to be engaged in working in agriculture. It has attracted new sources of capital funders and investors, and built new partnerships between our agriculture and health education and social work.

The Hawai'i 'Ulu Producers Cooperative is a farmer-owned business focused on aggregating, processing and distributing local traditional staples, providing an equitable democratic process of engagement and revenue sharing while tackling our lack of food security, particularly in that critical realm of staple foods. The 'Ulu Coop has leveraged its network of farmers to achieve a scale of production and processing that has allowed them to gain access to infrastructure and markets that would not have otherwise been possible by individual producers.

Ho'oulu 'Aina operates a 100-acre farm and nature preserve that supports community feeding, health and subsistence. What is unique here is this organization operates on a lease of State park. Such public-private partnerships could provide unique access to land for local food services that directly provide community benefit instead of private profit.

Da Bux is a local program funded through a combination of private philanthropy and Federal funds that doubles the purchasing power of SNAP EBT users if purchasing locally grown produce, increasing access to healthy local foods for our most disadvantaged populations who are disproportionately Native Hawaiian and Pacific Islanders, while simultaneously increasing the demand and markets for local agriculture.

Finally, I would highlight legal battles such as those that have allowed food safety exemptions for our traditional preparation of kalo and other efforts that hold our State accountable to its own water laws that showcase Native Hawaiian efforts and leadership

to hold the State accountable to the public trust guarantees of our environmental and cultural rights.

I would emphasize that the bulk of the progress I see being made in this realm is really is really being led through small, grass-roots organizations often leading the way and pulling our State and large private organizations behind them.

While the barriers to growing Hawaii's local agricultural system are substantial and many of them I feel are not easily addressed by Federal bodies, I would like to offer a few key areas where I think potential action might have impact.

Due to our history and in particular our plantation history, Hawaii has a severe lack of physical infrastructure needed to support a local food system, because we have built infrastructure to support large scale export of just a few crops. To ensure equitable access of our many small farmers, publicly-owned or not-for-profit infrastructure is essential to really building a just and effective local food supply. So investment in State lands and facilities can also spur the private investments as is evidenced by existing facilities including by the ʻUlu Coop.

Access to reasonable capital with fair rates and low costs to engagement can remove many barriers as well without requesting a handout from the government. Of particular emphasis I feel needs to be the access to capital for Hawaiian Homeland recipients. As lessees who do not have the collateral of their property, they cannot access normal lines of capital and are often left with a landholding that cannot be developed to contribute to local food.

A little bit more broadly, I think increasing funding or advocacy for community, indigenous or environmental health helps to strengthen most of the most impactful organizations. Tying agriculture and engagement with the land to mental and physical wellbeing could position support for nutritious foods under human health initiatives. We have seen some very impactful organizations leveraging the interface between health initiatives and local food.

Furthering advocacy regarding environmental health and particularly regulating the environmental impacts of agriculture would help to level the playing field between small, local food producers and large scale industrial agriculture. Direct funding for food and health and the environment would obviously be more impactful.

Finally, the Farm Bill, you have already heard it talked about a lot in the conversations beforehand, but it inherently subsidizes much of the large scale commodities in the market, skewing the price of food to support highly processed wheat and corn products, and fundamentally placing all other forms of agriculture and crops at a disadvantage.

Improved support for specialty crops and rural development under the Farm Bill would aid in supporting small, diversified producers in Hawaii and disadvantaged regions. In particular, research for our underutilized and indigenous crops is a major barrier to adoption because many farmers simply don't know how to deal with the many pressing problems on our traditional crops.

Thank you very much for the opportunity today.

[The prepared statement of Mr. Lincoln follows:]

PREPARED STATEMENT OF NOA KEKUEWA LINCOLN, PH.D., ADVISOR, HAWAIʻI ʻULU COOPERATIVE; PRESIDENT, MĀLA KALUʻULU COOPERATIVE; AND ASSOCIATE RESEARCH PROFESSOR, UNIVERSITY OF HAWAIʻI

Introduction

I appreciate the invitation to provide this testimony to the U.S. Senate Committee on Indians Affairs. I would like to clarify that my testimony, although pulling from knowledge and expertise obtained through my employment and organizational relationships, represents my own views and beliefs as a Native Hawaiian and concerned citizen of Hawai'i, the United States, and our planet.

I feel it is paramount to begin with a reminder that the Kingdom of Hawaiʻi, which was a member of the family of nations, a status recognized through dozens of international treaties including with the United States, was illegally overthrown in 1893, with the assistance of the US military, followed by the subsequent annexation, against the wishes of over 95 percent of the Native population, to the United States, eventually becoming the 50th State in in 1959. Both the occurrence and the illegality of the overthrown has been formally acknowledged by the United States (U.S. Public Law 103–150) and the United Nations (Office of the High Commissioner for Human Rights, Memorandum issued February 25th, 2018). The above facts can only result in the conclusion that Hawaiʻi currently exists as a form of prolonged military occupation by the United States, and the highest pursuit of justice would be to support the repossession of the approximately 1.8 million acres of Hawaiʻi's ceded governmental lands to an independent Native Hawaiian government.

Background: Native Hawaiian Agriculture

The Hawaiian archipelago was settled by Polynesian ocean voyagers no later, but possibly much earlier, than 1000 AD. Over centuries, Native Hawaiian cultivators developed a range of cultivations strategies and constructed vast infrastructural developments to support widespread food production. Hawaiʻi is among the most ecologically diverse locations on the planet, containing over two-thirds of the Holdridge life zones and ten of the 12 soil orders of the world. Native Hawaiians, in adapting their agricultural systems to the extreme ecological and topographic diversity of the islands, arguable developed the most diverse agroecological diversity of world—an underappreciated fact. The ability to sustainably cultivate food in a wide variety of ecosystems was highly dependent, as with many indigenous cultivation systems globally, upon intimate knowledge and understand of the local environments, preservation of ecosystem function and services, and adaptative management strategies. In total, the best estimates to date suggest that Native Hawaiians, in various forms, cultivated approximately one million acres of land to supply food, timber, textiles, medicine, and other resources to a population of 400,000 to 800,000.

Within Hawaiian society, agriculture was not an economic pursuit, but an integrated system of sustenance that incorporated education, religion, and other social norms. It is essential to include the context of a kinship worldview, in which, unlike western cultures, Native Hawaiians perceive that humans do not supersede the environment, but rather have a familial relationship with all components of the natural world. This is perhaps most clearly manifested and communicated in Native Hawaiian cosmology, in which mankind is portrayed as the younger brother of the kalo (taro) plant, placing humans not only as direct relatives to the environment, but also in a subservient position. The central tenant of Hawaiian culture is critically important, because the separation of Native Hawaiians from their land that accompanied the socioeconomic changes associated with the overthrow does not only impact the agricultural economy of the Hawaiian people, but destroys their entire cultural identity. This concept was well articulated by congressional testimony by Reverend Akaiko Akana over a century ago, in which he states on behalf of Ahahui Puʻuhonua in favor of the establishment of what eventually passed as the Hawaiian Homes Commission Act of 1920.

> The soil is a redeeming factor in the life of any race, and our plan for the rehabilitation of the Hawaiians is futile unless the question of returning to mother earth takes precedent to all other considerations in such a plan.

Background: Current Food System of Hawaiʻi Approx.

Hawaiʻi's economy was dominated from 1850 to 1960 by plantation agriculture producing specialty crops for export markets, which began to decline with statehood, after which tourism, construction, and military spending all rapidly surpassed agriculture. Starting in 1970, the plantations began to shut down, with the last plantation in the state shuttering operations in 2016. Some substantial export agriculture still exists in terms of macadamia nuts (Approx. 21,500 acres), coffee (Approx.

610,000 acres) and cattle operations (Approx. 761,000 acres). Other specialty markets were also maintained, such as flowers and foliage (Approx. 2,400 acres) and tropical fruit (Approx. 12,300 acres), while some new specialty markets emerged, such as seed production (Approx. 24,000 acres) and aquaculture (Approx. 650 acres). Offshore fisheries should not be ignored, as Pacific fishing fleets that operate out of Hawai'i land Approx. $62 million annually.

Hawai'i is a state of small farms, with 7,328 farms in the state and 90 percent of those being less that 50 acres. Total agricultural value has consistently declined over the past decade, and in 2017 stood at $563 million, with 90 percent of this value produced by only 13 percent of the farms. In the wake of the plantations, several programs aimed at supporting the development of new industries, but programs were fragmented and were ultimately met with minimal success. The Hawai'i Department of Agriculture received Approx. 0.4 percent of the state's operating budget and is hampered by oftentimes obscene bureaucratic protocols. Currently, Hawai'i imports approximately 85–90 percent of its food supply, equating to $5.9 billion in food imports annually. By food category there is tremendous variation. Hawai'i produces about 60 percent of its fruits and vegetables, 40 percent of its seafood, and 10 percent of its meat locally. However, in critical categories such as staple carbohydrates and dairy, we produce less than 0.5 percent locally. Recently, and particularly in the wake of the COVID–19 pandemic, there has been a strong movement to increase the local food system for food security, resilience, landscape preservation, and culture revitalization.

Needs and Barriers

- **Land.** High cost and demand for land is prohibitive to most farmers. State lands are poorly administered, often creating insurmountable barriers to engagement, or the loss of operations on state land due to negligence. Poor enforcement of zoning standards on agricultural lands has led to misuse of much agricultural land (e.g. "gentleman farms"). Some agricultural lands lack adequate infrastructure such as water or fencing from ungulates. Competing interests for agricultural lands threaten production, including rezoning for urban development and alternative land usage such as solar energy production.
- **Infrastructure.** There are many basic infrastructural issues in Hawai'i that prevent local food system, in particular by our small farms. Investment over the past century has focused on export by large private producers and a "just in time" importation of food. Hawai'i lacks adequate infrastructure for aggregation, processing, storage, and transportation of local food within the state. Significant investments in state- or cooperatively-owned infrastructure is necessary.
- **Social Infrastructure.** Due to the small producer nature of the islands, organizational structures are necessary in order to access adequate scale and operational capacity in order to access and operate infrastructure. The recent establishment of several local food hubs has worked to fill this gap, with growing capacity and support.
- **Farm and Food Management.** Appropriate technical support is essential for success of emergent farms and food system actors. The University of Hawai'i, and in particular the College of Tropical Agriculture and Human Resources (CTAHR, which is the state's Land Grant Institution, has a critical role to play through workforce development and extension services. CTAHR is moderately effective, but has shrunk severely since the closure of the plantations and has not fully pivoted its services to represent the new agricultural realities of Hawai'i.
- **Capitalization.** Access to capital is essential for the establishment and growth of agricultural businesses. Limited options exist, with the State largely underfunding capital pools and overburdening applicants with paperwork and reporting. This is a particularly pervasive issue with the Department of Hawaiian Homeland and other agricultural leases, as their land cannot be leveraged to access liquid capital.
- **Scale.** Scale of operations is an important component that help to induce investment and optimize efficiency, and offer opportunities for a reasonable risk-adjusted return. While some operations can achieve scale, many small producers need collaborative opportunities to reach such scale.
- **Labor.** A sufficient quantity of skilled labor must be attracted and available at a cost that provides just compensation and financial viability, and they must possess the passion and resilience to endure volatility. Currently, access to labor, and in particular access to skilled labor, is a significant barrier.

- **Integrated value chain.** Robust communication and balance of demand and supply must be developed. Increased processing is essential to increasing total value of the small agricultural industry and to deal with seasonal excess. Equitable sharing of revenues across the value chain is necessary.

Opportunities and Successes

Here I highlight some key success stories that demonstrate where some key opportunities lie in terms of rebuilding Hawai'i's food system, culture, and Native Hawaiian wellbeing.

- **MA'O Organic Farms.** MA'O Farms has grown to be the largest certified organic vegetable farm in the state, with 100 percent of production going towards local markets. Their success is rooted in their approach that marries agricultural production to community outcomes, focused on engaging local youth, enhancing Hawaiian culture, and providing educational opportunities to emphasize the potential social benefits of local agriculture. By realigning food production with Hawaiian epistemology-emphasizing engagement with land, community health, and integration of agriculture and food with education- MA'O has attracted a new generation of individuals interested in working in agriculture, new sources of capital, funders, and investors, and new partnerships in health, education, and social work.
- **Hawai'i 'Ulu Producers Cooperative (HUPC).** Cooperative organizations are not extensive is Hawai'i but are marked by some notable examples including the Kaua'i Island Utility Cooperative. HUPC, established in 2017, focuses on aggregating, processing, and distributing traditional local staples, and has grown to represent 124 farmers. As a cooperative organization, it is directly owned by the farmer-members, providing an equitable, democratic processes of engagement and revenue sharing. HUPC has leveraged its network to achieve a scale of production and processing that has allowed them to gain infrastructure and markets that would not have been possible by any of its individual members.
- **Ho'oulu 'Āina.** This organization operates a 100-acre farm and nature preserve that supports community feeding, health, and subsistence. While the mission and activities are not necessarily unique, it is unique that this organization operates on a lease of a state park. Such public-private partnership could provide unique access to land for local food services that provide direct community benefit as opposed to private profit.
- **Mahi'ai Matchup.** A competitive program supported by Kamehameha Schools (the largest private landowner in the state), in which agricultural leases are presented based on a business plan pitch that emphasizes a multiple-bottom line (economics, culture, community). While this program has been limited and small-scale to date, it is a potential model for redistributing agricultural lease lands to individuals who are dedicated to community impact and local agriculture.
- **Da Bux.** A local program largely funded through private philanthropy that matches the federal SNAP program, doubling the purchase power for SNAP users to purchase locally grown foods. This has the double outcome of increasing demand for local food while allowing access to healthy, local foods to our most disadvantaged populations, which are disproportionately Native Hawaiian and Pacific Islanders.
- **Legalize Pa'i 'Ai.** Not an organization, but a movement that sought to provide regulatory exemption for a traditional food production method. Ultimately SB101 was passed in 2011 (although with amendments that removed the practitioner suggestions and put the rule-making authority under the Department of Heath). The grassroots effort to move this bill forward also spawned in "Ku'i at the Capital," in which thousands of proponents of our Native foods gather at the State Capital on opening day to bring awareness to our local legislators.
- **Nā Moku Aupuni O Ko'olau Hui.** A non-profit collection of Native Hawaiian kalo farmers and subsistence gatherers fought, and recently won, and 20+ year legal battle against the state, claiming the state of Hawai'i violated water leasing laws by allowing the endless renewal of large, temporary water permit to a massive land-holder without environmental review. The reaffirmation by Hawai'i's supreme court of the important of cultural subsistence and environmental health is an important victory for Native Hawaiian communities that persist in our remote regions.

Actionable Items

The main progress towards an equitable and just local food system have been made by small, grassroots organizations. While the barriers to growing Hawai'i's local agricultural system are substantial and many are not easily address by federal bodies, I offer a few key areas where potential action may have impact.

- **Infrastructure.** The historical trajectory of Hawai'i has resulted in a severe lack of physical infrastructure necessary to support local food. While some of this can and should be accomplished by private businesses, in order to ensure equitable access and opportunities for Hawai'i's 7,000+ small farms, public-owned, or at least not-for-profit, infrastructure is essential. Federal infrastructural investment into state lands and facilities could catalyze projects to overcome some of the needs and spur private investment. For instance, the Hawai'i 'Ulu Producers Cooperative operates in a state-owned warehouse, but has outfitted that warehouse with over $1 million in equipment and building upgrades.
- **Capital.** Access to reasonable capital is a constant bottleneck for players at all levels within Hawai'i's food system. Generating loan funds that offer fair rates, with barriers to access and reporting that are not onerous, could overcome some of these issues without requesting a handout. Of particular emphasis should be the access of capital for Hawaiian Homeland recipients, who are often socially disadvantaged and due to not owning the land cannot access normal lines of capital.
- **Community and Indigenous Health.** Furthering funding on community health and equity plays to the strengths of many of the most impactful organizations. This includes mental and physical health. Any opportunities to better tie agriculture and engagement with land to mental and physical health outcomes would support better integration of our food, land, and community health.
- **Environmental Advocacy.** Furthering any agendas or advocacy regarding environmental health, and particularly regulating the environmental impacts of agriculture, levels the playing field between small producers, who tend to engage in more environmentally friendly and diversified practices, and large-producers, who tend to have substantially higher inputs, impacts, and reduced labor.
- **Farm Bill.** The farm bill inherently subsidizes much of the large-scale commodities in the market, skewing the price of food to support highly processes wheat and corn products, and fundamentally placing all other agricultural forms and products at a disadvantage. Improved support for "specialty crops" and rural development would aid in supporting diversified, small producers.

The CHAIRMAN. Thank you very much.

Mr. Zane, please proceed.

STATEMENT OF KŪHA'O ZANE, CREATIVE DIRECTOR, SIG ZANE DESIGNS AND SZKAIAO AND KĀLAIMOKU BOARD OF DIRECTORS, EDITH KANAKA'OLE FOUNDATION

Mr. ZANE. Aloha kakou. Just in general, I am a product of Punana Leo as well as a product of Merrie Monarch, and a very proud product of indigenous [indiscernible]. So thank you, Senator Schatz, for wearing my shirt.

[Laughter.]

Mr. ZANE. That said, [phrase in Native tongue]. Edith h Kanaka'ole Foundation stands as a continuance for the indigenous knowledge of Edith and Luka Kanaka'ole, as generational practitioners of our once banished but now thriving native dance, hula 'aiha'a, and most importantly as Native Hawaiians implementing our ancestral insight as solutions in our modern world. Our work helps to provide solutions as it relates to conservation and restoration of historical sites, land and resource management, performance art, design and education

Fluency and familiarity with both ʻolelo Hawaiʻi or the Hawaiian language as well as the chants, songs and stories is the cornerstone for our foundation. Our Halau or dance troupe led by the daughter of Edith, Kumu Nalani Kanakaʼole, Halau O Kekuhi, has continually practiced our style of hula ʻaihaʻa for eight generations, translating ancestral and familial chants into world renowned choreography and dance.

The practice of our hula ʻaihaʻa not only includes the movements of choreography, but also it is inclusive of learning about the key native plants within our forests, the gathering process and creation ideals in creating our regalia and in the training and execution of ceremony and protocol.

Our organization's founder, Pualani Kanahele Kanakaʻole, received an honorary doctorate from the University of Hawaiʻi for her life's work in Hawaiian studies, education and curriculum. She brought to light the Papaku Makawalu Methodology, that is the Native Hawaiian approach to science and observation of our land and natural phenomena. This methodology employs the translation of ancient Hawaiian chants as generational in-depth observational data of place and how it coincides with current scientific research today.

These pillars of knowledge are an extension of our foundation's namesake, my grandmother Edith Kekuhikuhipuʻuoneonaaliʻiokohala Kanakaʻole and her life's work. It is her teachings that inspired my father to start Sig Zane Designs and drove his trajectory from an early artist to an established cultural mainstay in Hawaiian fashion. Mahalo to my [phrase in Native tongue].

In my work today, I uplift and carry forth this ancestral insight and apply cultural solutions through design, consultancy and commerce over the past two decades. Doing branding identity for some of the largest organizations in Hawaiʻi and expanding my father's art to athletic uniforms, airplane liveries and architecture, has really led me to the ask the one question: what is the bridge between culture and commerce?

The answer to me is as simple as my grandmother puts it, "We must educate." We push on innovating platforms to educate audiences and continue her mission.

I am humbled by this opportunity to share our story. Mai ka hoʻokuʻi a ka halawai.

But I would like to do the top story part. So as far as Edith Kanakaʻole Foundation, and having a conversation about educational platforms, some of the products that we are working on currently is our KIPA program, which is a tourist industry certification. We can't blame somebody for putting out wrong information if we are not properly educating them.

We also have some work with the national park here, and understanding GPS mapping, but not GPS mapping just by what you can see with your eyes, GPS mapping by using the ancient chants to be able to identify what has been here for generations. Then also we have the [phrase in Native tongue] which is going through [phrase in Native tongue] as well as a kapu process not only just with local entities or Native Hawaiian entities, but also corporate entities. We have entity naming strategies, cultural narrative and

design strategies, and then currently what we are working on is, how can the blessing chant, [phrase in Native tongue], actually inform architecture and buildings.

Also, we have work with the University Office of Indigenous Innovation which also speaks to the health equity, and also projects with soil health. If that is not enough, sometimes my grandma likes to just remind us that we still need to do a lot of work. So currently, in 2023, she will be honored by the U.S. Mint on the quarter coming up very soon.

All of that said, I will just finish off with this. In the conversation of education to my little girl who can name each cloud [phrase in Native tongue] in the Hawaiian language, and not only understands that Hi'iaka is a goddess, but understands that Hi'iaka is a life-giving element and a nomenclature, for her, who has this understanding, what kind of career and salary will she have? So I believe that halau ʻolelo as well as the renaissance of the 1970s that brought Merrie Monarch, I think that was important to bring vitality to Hawaiians, to Hawaiian cultures. But I think the current mission is to be able to bring some viability to Hawaiian culture.

Mahalo.

[The prepared statement of Mr. Zane follows:]

PREPARED STATEMENT OF KŪHA'O ZANE, CREATIVE DIRECTOR, SIG ZANE DESIGNS AND SZKAIAO; KĀLAIMOKU BOARD OF DIRECTORS, EDITH KANAKAʻOLE FOUNDATION

Edith Kanakaʻole Foundation stands as a continuance for the indigenous knowledge of Edith and Luka Kanakaʻole, as generational practitioners of our once banished but now thriving native dance—hula ʻaihaʻa and most importantly as Native Hawaiians implementing our ancestral insight as solutions in our modern world. Our work helps to provide solutions as it relates to conservation and restoration of historic sites, land and resource management, performance art, design and education.

Fluency and familiarity with both ʻōlelo Hawaiʻi or the hawaiian language as well as our chants, songs and stories is the cornerstone for our foundation. Our Halau or dance troupe—led by the daughter of Edith, Kumu Nālani Kanaka'ole—Hālau O Kekuhi has continually practiced our style of hula ʻaihaʻa for eight generations, translating ancestral and familial chants into world renowned choreography and dance. The practice of our hula ʻaihaʻa not only includes the movements of choreography, it's inclusive of learning about key native plants within our forests, the gathering process and creation ideals in creating our regalia and in the training and execution of ceremony and protocol.

Our organization's founder, Pualani Kanahele Kanakaʻole received an honorary doctorate from the University of Hawaiʻi for her life's work in Hawaiian Studies, education and curriculum. She brought to light the "Papakū Makawalu Methodology" that is a Native Hawaiian approach to science and observation of our land and natural phenomena. This methodology employs the translation of ancient hawaiian chants as generational in-depth observational data of place and how it coincides with current scientific research today.

These pillars of knowledge are an extension of our foundation's namesake, my grandmother Edith Kekuhikuhipuʻuoneonāaliʻiokōhala Kanakaʻole and her life's work. It is her teachings that inspired my father to start Sig Zane Designs and drove his trajectory from an early artist to an established cultural mainstay in Hawaiian fashion. In my work today, I uplift and carry forth this ancestral insight and apply cultural solutions through design, consultancy and commerce over the past two decades. Doing branding identity for some of the largest organizations in Hawaiʻi and expanding my father's art to athletic uniforms, airplane liveries and architecture, has really lead me to the ask the question, what is the bridge between culture and commerceʻ The answer is as simple as my grandmother puts it, "We must educate". We push on innovating platforms to educate audiences and continue her mission.

Humbled by this opportunity to share our story. Mai ka hoʻokuʻi a ka hālāwai.

The CHAIRMAN. Thank you.

Thank you to all of you. This is incredible. I want to start with one easy question, Ms. Kawelu.

Ms. KAWELU. Easy.

[Laughter.]

The CHAIRMAN. What is next for the festival?

Ms. KAWELU. We already have everything in place for 2023 as far as judges and the halau. June 1st is my deadline for the next year. They have to have "Pawdagee" sausage sales to earn the $50,000 to come. So I have to let them know early.

But we will continue, we will continue just plugging along doing what we know best.

The CHAIRMAN. There is a tendency among people who have positions of authority to assume that we are always needed. So I am not going to assume that we are needed. But please do let us know if there are things that we can do. You are succeeding just fine without Federal intervention. We don't need to fix anything. But please let us know how we can be useful to you.

Dr. Lincoln, a couple of thoughts. You named a bunch of grassroots organizations. I wanted to kind of flag this really as an action item, not so much for the committee staff, but for my personal office staff. Earmarks are now allowable in Federal appropriations process. I have to say it is maybe the top five most fundings that I get to do, because we get to receive all these requests from extraordinary community organizations and give them resources. So I would just ask you to flag viable projects for us. There is criteria, they have to be a non-profit or government, they can't be a private business that is a for-profit business. So there are some criteria.

But a lot of the organizations that you identified I think would be worthy recipients of what we call Congressionally directed spending. They use Congressional directed spending, because on the continent, earmark is a bad word. In Hawaii, earmark is no problem.

[Laughter.]

The CHAIRMAN. So, please, would you let us know how we can be helpful?

You talked a little bit about infrastructure for agriculture to sort of be owned by the collective, owned by the community. What are we talking about here? Are we talking about processing facilities? Are we talking about water infrastructure, roads, marketing? How should I picture that in my mind's eye?

Dr. LINCOLN. The physical infrastructure is a lot of the immediate need. For better or for worse, people do tend to come around, coalesce around things, places. There is a lot of social infrastructure that needs developing as well, which I think starts to relate to the marketing and things like that.

We see a lot of the social cohesion coalesce around physical things. But yes, we are talking about processing plants, cold storage integrity, marshaling yards, aggregation facilities, even simple infrastructure like pack-wash stations that allow for food safety certifications. Yes, just really basic stuff.

In some cases it is literally just a building is all that is needed, a big warehouse. Then access to that space, groups can come in and start to outfit it, make it usable to them.

So State-owned or non-profit owned, but basically because we are a State of small farms, the small producers don't have the capital or scale typically to invest in these kinds of larger pieces of infrastructure, which I think is what a lot of the success, for instance, of the 'Ulu Coop has been, is pulling together lots of small producers that suddenly make the investment into the infrastructure worthwhile and have a rate of return that is feasible.

At the same time, they couldn't put up the building. They are in a State-owned building, which allowed all of it to happen. But they outfitted that building an extra $1 million of equipment and upgrades.

The CHAIRMAN. That is extremely helpful. How helpful is the USDA Rural Office?

Dr. LINCOLN. They are good. Of course, it could always be more. But yes, USDA, the LFPP program and other programs, some of the rural development programs have been instrumental with a lot of our small grassroots businesses.

The CHAIRMAN. Finally, on the Farm Bill, I don't sit on the Agriculture Committee, so the way the committee structure works is the people who are on the committee are able to play more of a hand in shaping the legislation. But I have been thinking a lot about how the food system is essentially broken because of our Farm Bill. That is not something we are going to be able to fix in one Farm Bill, because in order to pass it we still have to have the votes of people who represent States with large-scale industrial agriculture.

What I am asking from you, Dr. Lincoln, is input, ideas. We need ideas for just advancing the ball. I know Debbie Stabenow, who is the Chair of the Agriculture Committee, has a lot of sympathy in these areas. But she is always trying to figure out how to get 65 votes for the Farm Bill. So it is a question of forging a compromise.

I would like a few marching orders from you, not right this moment, but a few thoughts in terms of what specifically to push for. So if you would take that for the record, and we will try to work together.

Mr. Zane, I have two questions. I didn't get that thing about GPS. How does this work, this project?

Mr. ZANE. GPS mapping in general is literally what it states, with GPS mapping. But within a lot of the chants, especially with some of the new areas that the park has taken over, some of the chants actually speak about specific areas, and will talk about flows and what has happened thousands of years ago. When you take that concept, that these chants aren't just hulas, these chants are actually data, so when you are taking these data points and inputting GPS data points, then that is how it can be informative to creating a resource or land management tool.

The CHAIRMAN. So people could theoretically go around Volcanos National Park, see where they are —

Mr. ZANE. And understand in a larger context, and a historical context where they stand. I think that goes to both build a regard as well as respect, not necessarily just for the chants and the historic value, but also for these translators of this historic value.

The CHAIRMAN. At Arlington National Cemetery, they now have, I don't know if they have built it in totally now, but I know they

are at least in the process of doing it where every gravestone where they have a record, you can walk around, as long as your location services are on, you can know the history of that particular fallen soldier. What an extraordinary resource.

It also enables a kind of exploring, while you are learning, but you are really just walking around and gathering information. I think it has high potential. Let me know how I can help.

Tell me a little more about the tourist industry certification. I am very sympathetic to the idea that we want people to know how to act, but we actually have to tell them how to act. Tell me how that works, and whether it is starting to scale or what you are doing with that.

Mr. ZANE. We just ran with a pilot program recently, it is called KIPA, [indiscernible] KIPA, kind of how Auntie Luana was talking about the grog shop, there are a lot of good ideas that happen maybe down on the beach with a few beverages. Basically what it was is we heard a lot of content that was being shared while we were down at the beach that wasn't necessarily some of the content that we felt was important or we felt was relevant or valid. Instead of just complaining about it, we decided to create a curriculum for it.

The CHAIRMAN. So you are talking about tour guides who just make up stuff, among other things?

Mr. ZANE. You said it, not me.

[Laughter.]

The CHAIRMAN. We all see it, even on Oahu. In fact, arguably on Oahu it could be worse.

Mr. ZANE. I have to say, too, my mom's brother, my uncle, he was actually a tour guide, and he would share a lot of his stories that he had. So he was a lot of the inspiration for this.

But that idea of being able to educate people within Hawaii, that they are within the district they are in, and what are the stories of that place, and who are the people that are participating both tourism-wise as well as some of the visitors that are there, who are the people who are participating in that area and how we can we at least create a curriculum that would be able to educate them properly. From there, ideally, what we want to do is just as much as it is to see an organic stamp that you would understand that there is some valid information as well as some other information.

The CHAIRMAN. Yes. Once you get that scale, getting that into Trip Advisor and everybody else, so they click around and see the top one and they know, oh, this person is legit, and it comes down to that. You are going to get tourists who don't care, but you are going to get a lot of people who want to understand.

Mr. ZANE. Hopefully, it is similar to getting people to purchase an [phrase in Native tongue] shirt.

[Laughter.]

The CHAIRMAN. Yes. That was smooth.

Kuha'o, I am struck by, and I want to finish with one of the things you said about hula, but I think it applies to Native culture here and everywhere. It was three or four weeks ago, the report from the Department of Interior about primarily Indian boarding schools. Even though you know that history, just to read that report is devastating, to think that the United States government

systematically eliminated culture, harmed children, incarcerated children, shaved their heads, beat them up for speaking their language. Once banished, but now thriving. So thank you very much.

This hearing record will remain open for a couple of weeks. We may submit a few questions for the record. Don't worry, Auntie Luana.

Thank you very much. This hearing is adjourned.

[Whereupon, at approximately 12:36 p.m. HST, the hearing was adjourned.]

ADDITIONAL STATEMENT FOR THE RECORD

PREPARED STATEMENT OF DR. WILLIAM H. WILSON, KA HAKA 'ULA O KE'ELIKŌLANI COLLEGE OF HAWAIIAN LANGUAGE, UNIVERSITY OF HAWAI'I

Aloha Senator Schatz, Senator Murkowski and members of the Senate Indian Affairs Committee.

My name is Dr. William H. Wilson. I am a faculty member at Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language. I am a professor of Hawaiian Language, Hawaiian Studies and Linguistics. I was the initial tenured faculty member in our Hawaiian Studies program here at UH Hilo and the proposal writer for most of the programs that over the years have developed into what is now its own college within the University of Hawai'i at Hilo. Our colleges includes a P–20 Hawaiian language medium program ranging from a preschool to grade 12 laboratory school program, to a B.A. program, to a graduate level teacher certification program, to an M.A. program and to a Ph.D. program. I have taught in all of those programs. As part of my duties in our Ph.D. program I have used my expertise in Linguistics to guide Native American students (Hawaiian, American Indian and Alaska Native) to higher levels of proficiency in the traditional languages of their peoples. I have also written a number of articles on language revitalization focused education, often with other faculty members of our college including Dr. Kauanoe Kāmana and Dr. Keiki Kawai'ae'a.

I want to first thank the Committee for holding a hearing here in Hilo and at our Hale'ōlelo Building and also for the fine line up of testifiers chosen for the two panels. I fully support the testimony of those panelists.

My written testimony here is to provide some details that may be of use to the Committee in collecting more data on enrollment in Hawaiian language medium/immersion education, its unique needs, and failures of federal agencies to implement relevant legislation that support Hawaiian language medium/immersion education in both its wording and intent. My testimony on Hawaiian language medium/immersion education relates to the larger issue of Native American language medium/immersion education of which Hawaiian language medium/immersion education is but a part, albeit a groundbreaking part.

The overall goal for the information that I will be providing is to assist your Committee and others in Congress to provide needed support to these Native American language medium/immersion schools and their Native American students. Such support is appropriate simply for the success that these schools and programs have had in delivering benefits in the areas of increased high school graduate rates, increased college going rates, increased involvement in academics, lowering negative social statistics, cultural benefits and econonic benefits. On another level, Native American language medium/immersion schooling is a means to partially address the role that the federal government has played in suppressing and actually destroying the linguistic and cultural heritage of Native American peoples, including Native Hawaiians, as partially detailed in the recently released report entitled the Federal Indian Boarding School Initiative Investigative Report May 2022 *https://www.bia.gov/sites/default/files/dup/inlinefiles/bsi__investigative__report__may__2022__508.pdf*

While the above Federal Indian Boarding School Initiative Investigative Report did include the effects of the US federal government on the loss of Native Hawaiian culture, it does not include two important details. The first is that when Hawai'i was annexed to the United States, the Organic Act of 1900, assigned to the President of the United States control of the public schools through appointment of the governor of the territory. The governor of the territory held veto power over actions of the territorial legislature, thus assuring that any attempt by the territorial legislators to reestablish public Hawaiian medium education could be blocked. Control

by the presidentially-appointed governor over public education thus resulted in the maintenance of the closure of access to public Hawaiian language medium education on the model of government control American Indian and Alaska Native education elsewhere in the United States. Access to public education through Hawaiian, which previously had a long history in Hawai'i, was closed off by those who overthrow of the Hawaiian Monarchy with military involvement of the United States. Access to Hawaiian language medium education remained closed until 1986.

A few years before 1986, parents led by the Native Hawaiian non-profit 'Aha Punana Leo began participating in private Hawaiian language medium language nests, contrary to state law. They then lobbied for restoration of legal status to Hawaiian language medium education. Then under the powers as a state rather than as a territory, and at the insistance of parents, the Hawai'i state legislature provided a legal means for the implementation of Hawaiian language medium education at the private early childhood and public school levels.

The second highly relevant power assigned under the Organic Act to the President of the United States was appointment of the justices of Hawai'i's territorial Supreme Court. Those justices were responsible for appointing the highly powerful trustees of the Bishop Estate, the largest single non-govermental land trust in Hawai'i. Native Hawaiian children were, and are, the primary intended beneficiaries of the Bishop Estate. The Bishop Estate was established during the Hawaiian Monarcy through the inheritance of Ke Ali'i Pauahi to provide for the private Kamehameha Schools including its boarding program. The suppression of Hawaiian language and culture at the Kamehameha Schools operated with funding from Native Hawaiian Bishop Estate trust lands was therefore largely implemented under the control of the federal government. Some documentation of that suppression is available from the Kamehameha Schools itself *https://kaiwakiloumoku.ksbe.edu/article/essays-supression-of-hawaiian-culture-atkamehamehaschools#:*. Presidential responsibility for the suppression of Hawaiian culture and language at Kamehameha actually carried past 1959 when Hawai'i became a state, as several earlier appointed trustees remained in control of the Kamehameha Schools beyond statehood.

Before, I begin providing information relevant to Hawaiian language medium education as a federal trust responsibility, I would like to commend the Committee as an entity for its role since Hawai'i statehood in seeking to protect Native Hawaiian young people and their access to their language and culture. It was Congress, through the Senate Indian Affairs Committee, that passed the Native American Languages Act (NALA) in 1990. Since then, Congress has consistently included NALA provisions in the Elementary and Secondary School Act (ESEA)s since 1993. Your Committee, including in recent years, has passed other legislation aligned with NALA that provides supplementary funding and definitions of Native American language medium education.

In spite of the historical advocacy of the Senate Indian Affairs on behalf of Native American language medium education, today some 30 years after NALA and the first NALA amendments to the ESEA were passed, those provisions have not, in large part, been implemented by the states, Department of the Interior/Bureau of Indian Education (BIE), or the US Department of Education (USDE). I see the USDE as primarily responsible, and the BIE as secondarily responsbile, for this neglect. Lack of direction from the USDE on NALA and NALA provisions in the ESEA relative to how to implement them has led states, the BIE and others to fail to implement those provisions. The BIE failed to provide information to Native Americans as a whole (including Native Hawaiians) relative to NALA and NALA provisions of ESEA since 1990 and 1993 and has failed to provide sugnificant technical assistance to tribes relative to implementing NALA provisions including Section 104(5) and ESEA NALA provisions discussed later below.

Native Hawaiians developing and participating in Native Hawaiian language medium/immersion education, an area of particular concern of the hearing here in Hilo, have been harmed by such lack of attention from the USDE, not only in a failure to assure access to needed resources, but in actual incitement of the state to carry out repercussions against such Native Hawaiians through insisting on implementation of NALA ESEA provisions. The Hawai'i State Department of Education through its superintendent conveyed to families at such Hawaiian language medium/immersion schools as well as to me that it was implementing admittedly unjust provisions (contrary to NALA and NALA ESEA provisions) on pain of denial by the USDE of major federal funding to the state as a whole.

In spite of such threats and public shaming through publication of low assessment scores on English medium academic assessments of children educated totally through Hawaiian rather than through English, Native Hawaiian parents remained resolute that the government should follow NALA and the NALA provisions of the ESEA. A considerable number of those parents have boycotted, and continue to boy-

cott, state assessments as a means to draw attention of the failure of the federal government and state to carry out the NALA provisions of ESEA. This has been a long standing issue with boycotts continuing during both during the No Child Left Behind Act and the Every Student Succeeds Act.

Furthermore, the situation of Native Hawaiians relative to access to Native American language medium/immersion education (through Hawaiian) has been much better than that of other Native Americans. Such better access has, in my opinion, been due to first grassroots Native Hawaiian action especially that led by the non-profit ʻAha Punana Leo, second to the overall sympathy of the general population of Hawaiʻi to the Native Hawaiian population, and third to the combined political power of the significantly large Native Hawaiian population and their supporters in the general population at the state legislature and in state government offices. Of the 50 states, Hawaiʻi has the largest percentage of its population consisting of Native Americans whose ancestors are indigenous to the state.

An example of the growth of Native Hawaiian language medium education is the growth of state funded public and charter school Hawaiian language medium/immersion enrollments that grew out of the non-profit private ʻAha Punana Leo preschools and continue to build from a statewide base of such preschools. Note the following data on enrollments:

ENROLLMENTS IN STATE FUNDED EDUCATION AS A WHOLE AND THAT PORTION OF IT CONDUCTED THROUGH THE HAWAIIAN LANGUAGE*

TOTAL PUBLIC AND CHARTER ENROLLMENT (ENGLISH MEDIUM AS WELL AS HAWAIIAN MEDIUM/IMMERSION EDUCATION	SCHOOL YEAR	TOTAL HAWAIIAN MEDIUM/IMMERSION ENROLLMENT IN BOTH STANDARD PUBLIC AND CHARTER SCHOOLS
179,902	Fall 2017 (non-Covid)	2,790
179,698 (-304)	Fall 2018 (non-Covid)	3,028 (+238)
179,331 (-367)	Fall 2019 (non-Covid)	3,312 (+284)
174,704 (-4,627)	Fall 2020 (Covid year)	3,348 (+36)
171,600 (-3,104)	Fall 2021 (Covid year)	3,363 (+15)

*Data for total fall enrollment count from Hawaiʻi State Department of Education data provided to the public on the web. Data for Hawaiian medium/immersion enrollments from the Hale Kuamoʻo Hawaiian Language Center of Ka Haka ʻUla O Keʻelikōlani College of Hawaiian Language, which provides classroom materials to all such schools.

The above data is important for Congress to understand the needs of Native Hawaiian students for whom Congress has a trust responsibility. Furthermore, such data is required to be provided by the USDE to Congress by ESEA Section 3122(b). The vast majority of the students enrolled in Hawaiian medium/immersion programs are Native Hawaiians, whose very enrollment in such programs places them within the category of "English Learners", something that will be discussed later below. Not only do such students meet the category of "English Learners" by the NALA provision sof ESEA, they are a significant number of students. For each of the above years, the Native Hawaiian students in such NALA protected programs are of such a magnitude that they consist one of the five highest language groups subject to "English Learner" status required to be reported to Congress. Indeed, the number of students enrolled in these programs in the fall of 3,363 may exceed the number of students classified by the state of Hawaiʻi as "English Learners" enrolled in a program for English learners and speaking the same language. Equally important are the large numbers of Native Hawaiians seeking to enroll in such programs. No data has been collected on such individuals, but there are reports of waiting lists exceeding enrollments in some Hawaiian language medium sites.

Because Hawaiian language medium/immersion students are not reported to Congress and because of lack of other data collected by the USDE or BIE regarding such Native Hawaiian students and other Native American students the distinctive needs of such students remain unknown or less known to Congress responsible for those students through the trust responsibility. A further area of concern is the huge teacher shortage for such students. ESSA Section 3122(b) specifically requires that numbers of certified teachers and teacher shortages be reported to Congress for Title III programs. However, as will be explained later, although Hawaiian lan-

guage medium education is covered by NALA provisions of Title III, the lack of USDE provisions for implementing such provisions, has resulted in Native Hawaiian students educated through Hawaiian being excluded from Title III services.

The Hawai'i State Department of education reported that of 132 teachers in standard public schools, only 98 were properly certified for Hawaiian language medium/immersion education (in spite of certification training for teachers being available in universities in the state). That is in the standard public schools, the schools best supported through funds, 25.8 percent of the teachers in standard public schools lacked appropriate certification, that is one out of five. This is a huge need, especially in light of the growth of Hawaiian language medium/immersion enrollments and waiting list that exist in many sites. According to an article in the National Education Association *https://www.nea.org/advocating-for-change/new-from-nea/hawaii-educators-tackleteacher-shortage-ambitious-5-yearplan#:*, the Hawai'i public school teacher shortage overall is 4.9 percent "nearly twice that of the national average of 2.6 percent." Note, however, the above data has Native Hawaiian students accessing their federally recognized right to be educated through Hawaiian, are 9.9 times less likely to have a certified than are students on average across the United States.

The matter is even worse than what is reported above, since the data reported from the Hawai'i State Department of Education (No ka Papahana Palapala A'o Ku 8ikāwa—Teacher Need Data a powerpoint stored as Hālāwai PAK—05–19–2022) only relates to Hawaiian language medium/immersion education as provided through the better financed and resourced standard public schools and not including the charter schools. The state had been providing financial awards to teachers with Hawaiian medium/immersion certification to teach in standard public schools, but not to such teachers in charter schools, providing an incentive for teachers to leave students in charter schools. For the school year 2021–2022, of 3,363 students enrolled in state government supported Hawaiian medium/immersion programs, 1,155 or 34.3 percent were enrolled in charters. The state Department of Education has collected no data on teacher shortages in those schools, although the State Board of Education to which it reports, is charged with responsibility for those schools as is the Office of Hawaiian Education located in the State Department of Education.

Not only are charters educating over a third of students enrolled in Hawaiian medium/immersion programs, there are the only source of Hawaiian language medium education in many areas outside urban Honolulu. Many of these are communities with large percentages of Native Hawaiians. For example, the county and island of Kaua'i lacks any standard public Hawaiian language medium/immersion education. All K–12 Hawaiian language medium/immersion students on that island are enrolled in charters. Here in East Hawai'i, the Hilo area, all K–8 Hawaiian medium/immersion students are enrolled in charters. A portion of 9–12 students are enrolled in a charter, the other larger group of high school students educated through a Hawaiian medium/immersion program are in an off-campus program of standard public school Hilo High School. However, that off-campus program is located on property rented by a charter school with space provided free of charge to the state Deparment of Education along with other benefits from that charter school. East Hawai'i has an especially large population of Native Hawaiians. One of the charters in East Hawai'i is also providing a satellite charter program in the Wai'anae area on O'ahu, another area of high Native Hawaiian concentration. That program provides the only access to middle school through Hawaiian in Wai'anae. On Moloka'i, an island with an especially high concentration of Native Hawaiians, the only access to Hawaiian language medium/immersion education at the elementary level is through a charter school. The teacher shortage in these charters remains unassessed by the State Department of Education.

While the state may be culpable for some of the challenges of Native Hawaiian students enrolled and wanting to enroll in Hawaiian language medium education, it is my opinion that the federal government is most culpable, with the USDE particularly at fault. The federal government has a trust responsibility for Native Hawaiians, including protecting the right of access to education through Hawaiian. The USDE is not following ESSA reporting requirements that it collect data from the state on education through the medium of Hawaiian and presenting that data to Congress so that Congress can address the needs of Native Hawaiians relative to Hawaiian language medium/immersion education.

Past action by the USDE relative to Hawaiian language medium/immersion education can be interpreted by those in the state government as discouraging any reporting on the needs of Native Hawaiians relative to Native Hawaiian language medium education. For instance, there have been boycotts of federally required state assessments through English among Native Hawaiian parents with children in Hawaiian language medium programs insisting on the state—and by implication the

USDE follow NALA and related NALA provisions in the ESEA. The state made several failed attempts to get the USDE to accept Hawaiian language assessments tailored to the distinctive nature of Hawaiian language medium education and has received the most support from the USDE for assessment through Hawaiian using unusual provisions unrelated to NALA. Direct discussions with Secretary of Education Duncan from Native Hawaiians directly involved in Hawaiian medium education resulted in a promise to "look into the matter" followed by no action. Most recently Hawaiian language medium education program participants have shared information on NALA related features of the ESEA on May 18, 2022 with Mr. Christopher Soto, Senior Advisor to Secretary of Education Miguel Cardona, with the hope that something would be done regarding following NALA and NALA provisions in the ESEA. Secretary Cardona may be more familiar with the challenges of Hawaiian language medium education, which parallel challenges of Spanish medium education in Puerto Rico, an area that Mr. Soto indicated to us was an area of special concern for Secretary Cardona.

To understand the challenges faced by Hawaiian language medium education, one needs to understand what legal provision have been put into place by Congress relative to Hawaiian language medium/immersion education as a form of Native American language medium/immersion education. The first of these is the Native American Languages Act of 1990 (NALA). NALA includes Section 103 with the definition of "Native American and Native American language" (including Native Hawaiians) used in other laws, including the ESEA.

NALA also includes Section 104 that recognizes the rights and freedom of Native Americans to use, practice, and develop Native American languages and the policy of the United States to preserve, protect and promote those rights and that freedom (Section 104 (1)). NALA Section 104 (2) recognizes the challenge of providing teachers for instruction in Native American languages and allows hiring of uncertified teachers.

NALA 104 (3), highly relevant to Hawaiian language medium education. NALA104 (3) states that it is the policy of the United States to encourage and support the use of Native American languages as a medium of education. (I contend that neither the USDE or BIE have encouraged or supported the use of Native American languages as a medium of education, at least not Hawaiian language medium/immersion education.) NALA 104 (4) indicates that it is the policy of the United States to encourage States and local education programs to work with Native American parents, educators, Indian tribes and other Native American governing bodies in implementation of programs to put this policy in effect. (I have not seen evidence that the USDE or BIE has consistenly provided such encouragement.)

NALA 104 (5) recognizes the right of Indian tribes and other Native American governing bodies to use Native American languages as a medium of instruction in all schools funded by the Secretary of the Interior. (In my association with a number of American Indian groups working to initiate and develop Native American language medium/immersion education programs I have not heard of any major effort of the Secretary of the Interior making any effort to pubicize, let alone promote that right.

NALA 104(6) recognizes the right of tribes and states and other government bodies to declare Native American languages official and to carry out their own business through Native American languages. For Hawai'i, Hawaiian has been an official language coequal with English since 1978 and a language of official delivery of publically funded educations since 1986, further strengthened with additional legislation and policies in subsequent years. However the USDE has yet to clearly support with any sort of accomodations for Hawai'i having two official languages. I have heard that a number of tribes have declared their traditional languages official, but, I have not heard of any changes implemented by the USDE or BIE to procedures for meeting ESEA relative to such official tribal language status.

As alluded to above in the discussion of NALA, the key law relative to either promoting or suppressing Native American language medium education including Native Hawaiian language medium education is the Elementary and Secondary Education Act (ESEA), the current version of which is the Every Student Succeeds Act (ESSA) passed in 2015, preceded by the No Child Left Behind Act (NCLB) passed in 2001. Note that NALA passed in 1990 was followed in 1993 by amendments to the ESEA that aligned with NALA. Those provisions in large part remain through NCLB and have continued in ESSA along with additional provisions related to NALA in ESSA.

Although those earlier NALA provisions to the ESEA were largely ignored for two decades, I address here the current ESSA law. I note in particular that outside Title VI "Indian, Native Hawaiian, Native Alaska Native Education", there are four places in the ESSA where NALA provisions for the Native Hawaiian language spo-

ken by Native Hawaiians is included. Sec. 3201(8) repeated as Sec. 8101 (34) is where the terms "Native American" and "Native American language" are defined as in NALA. NALA includes Native Hawaiians and the Hawaiian language under that definition.

The U.S. Department of Education has failed to include Native Hawaiians and the Hawaiian language in its reports to Congress on Native American students and Native American languages on the implementation of Title III "Language Instruction for English Learners and Immigrant Students" produced by its Office of English Language Instruction. Native Hawaiians learning through the Hawaiian language are the single largest national effort in implementing Sections 3124(3) "Rules of Construction" and Sections 3127 "Programs for Native Americans and Puerto Rico" of Title III of ESEA. Those two provisions of Title III are the main federal provisions protecting the NALA rights of Native American students to be educated through the medium of Native American languages parallel to the right of students in Puerto Rico to be educated through the medium of Puerto Rico's official Spanish language. Those ESEA provisions give Native Americans and their governments the same rights to use their languages as official languages of education as provided Puerto Rico to use Spanish in education.

The U.S. Department of Education in its reports to Congress on Title III through its Office of English Acquisition (OELA) does not explain NALA nor Sec. 3124(3) or 3127 relative to Native American languages or explain that Hawaiian is among the Native American languages as defined in Sec. 3201(8) of Title III (See the latest such mandated report "The Biennial Report to Congress On the Implementation of the Title III State Formal Grant Program—School Years 2016–2018" *https://www.ncela.ed.gov/files/biannualreports/OELA-BiReport16-18.508.pdf* as required of the USDE by ESSA Section 3122(b).

The above referenced OELA report does explain, however, the distinctive use of Spanish as the medium of education in Puerto Rico and that rather than measuring English proficiency, the focus in Puerto Rico is on Spanish proficiency and that therefore "English Learner (EL)" actually means "Spanish Learner". On page 7, that OELA report provides a footnote explaining that the distinctive application of Title III to Puerto Rico's use of Spanish as the medium of education is based in ESEA Title III Section 3127 "Programs for Native Americans and Puerto Rico", a provision that also applies to Hawaiian language medium education and also all other Native American language medium education in the United States. That footnote does not further explain how the US Department of Education has used Section 3127 (and its identical predecesor in NCLB, i.e., its Section 3128 "Programs for Native Americans and Puerto Rico") to overrule other sections of ESEA, including Title I, relative to public education in Puerto Rico. Such action provided protection of the use of Spanish as the medium of education in Puerto Rico regardless of the lack of distinctive wording in ESEA to protect the use of Spanish in Puerto Rico's schools for all cases where there was a conflict with the wording of the ESEA outside Section 3127.

The distinct use of Spanish as the medium of education is listed repeatedly in that OELA report as it is in earlier such reports. However, under the section devoted specifically to Puerto Rico (pages 236–237), under the "Top Five Languages Spoke by Spanish learners in State" for school year 2017–2018 listed in order are: A. Haitian, Haitian Creole 20; B. Spanish, Castilian 12; C. Chinese 7; D. Arabic 4; E. Mandingo 4. Not only is inclusion of B. "Spanish" surprising and not explained as ESSA makes no provision for students other than Native Americans who speak a non-standard form of the medium of education to receive Title III support, but this data reported by the USDE for Puerto Rico fails to mention English-speaking "Spanish Learners". The Puerto Rico ESEA Plan *https://www2.ed.gov/admins/lead/account/stateplan17/prconsolidatedstateplanfinal.pdf* approved by the U.S. Department of Education on May 16, 2019 *https://www2.ed.gov/admins/lead/account/stateplan17/map/pr.html.* Puerto Rico's ESEA Plan reported to the USDE that in the fall of 2016 there were 1,141 English-speaking students served with Title III funds. Those English-speaking students were by far the largest "Spanish Leaner" group served with Title III funds at 95 percent of all Spanish Learners in the fall of 2016. Why did the USDE not include that group in its report to Congress'

In contrast to the repeated references to Spanish being used officially to deliver education in Puerto Rico, the above OELA report to Congress fails to state that Hawaiian is an official medium of education in Hawai'i also protected under ESSA Title III Section 3127 "Programs for Native Americans and Puerto Rico" as are all Native American language medium programs. Furthermore, Hawaiian language medium education is accorded additional protections under Section 3124(3) not accorded the Spanish medium education system of Puerto Rico. In addition, the definition that assigns students to the protection of Title III includes distinctive wording for Native American children (including Native Hawaiian children). That "English

Learner" definition assigns such Native American children enrolled in Native American language medium education (including Hawaiian language medium education) to the protections of 3127 and 3124(3).

The definition of "English Learner" (ESEA Section 8101(20) includes the wording: The term "English Learner', when used with respect to an individual, means an individual-. . . (C)(ii)I who is a Native American {Note: this includes Native Hawaiians and Alaska Native} or an Alaska Native {Note: although this is redundant but draws attention and therefore some protection}. . . and (II) comes from an environment where a language other than English has a significant impact on the individual's English proficiency {as is the case for a student enrolled in a Native american language Medium School protected under Sections 3124(3) and 3127, i.e., a school taught entirely or predominantly through Hawaiian or another native American language}...and D whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—(i) the ability to meet challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.

Parallel to the U.S. Department of Education approved ESEA Plan for Puerto Rico, the Hawai'i's ESEA plan *https://oese.ed.gov/files/2022/05/HI-Consolidated-State-Plan.pdf* Approved by the U.S. Department of Education *https://oese.ed.gov/offices/office-of-formula-grants/school-support-andaccountability/essa-consolidated-state-plans/* clearly states on page 14, 21 and 23 that Hawai'i has two official languages and that Hawaiian is a medium of K–12 education and state assessment. The parallels between Hawai'i and Puerto Rico have been ignored by the USDE as is the fact that Hawaiian medium and Spanish medium education in Puerto Rico are both covered by the same Section 3127 "Programs for Native Americans and Puerto Rico". Other Native American language medium programs elsewhere in the United States are also ignored.

The definition of "Native American" and "Native American language" in the ESSA is also ignored in the legally required USDE OELA report to Congress. This is a matter of import as the meaning of those two terms determines a distinctive pathway to protections of Title III. Section 3124(3) protecting use of Native American languages in federally funded education as required under NALA section 105. This included dominant use of Native American languages in place of dominant use of English.

Section 3127 allows Native American language medium education distinctively designed evaluation and assessments, which allows full revitalization of Native American languages. Assessment of Native American language medium education through state English medium assessments and the English-derived standards used for those English medium assessments are a major issue in Hawai'i, where Hawaiian is used as a total, or dominant, medium of education from kindergarten through grade 12 a number of schools schools. For example at P–12 Nāwahīokalani'ōpu'u laboratory school here in Hilo, all classroom instruction is through Hawaiian. English is introduced as a course in grade 5 and continues as a course through to grade 12. English is taught through Hawaiian at Nāwahīokalani'ōpu'u and produces the required increase of English proficiency called for in Section 3127. Puerto Rico also meets Section 3127 by teaching English as a course. Often using Spanish as the medium to teach English parallel to the use of Hawaiian to teach English at Nawahi. However, Puerto Rico actually devotes five more years to teaching English than does Nāwahīokalani'ōpu'u, as the teaching of English begins in kindergarten and continues through to grade 12 in Puerto Rico. Nāwahīokalani'ōpu'u seniors as reported in the testimony on one of the panels, Ms. Namaka Rawlins, have a considerably higher high school graduation rate and higher rate of matriculation into English medium tertiary education than do seniors in the English medium state public school system for all races, and even more so than for Native Hawaiians.

The lack of USDA attention to the fact that Sections 3124(3) and 3127 allow a Native American language to be a full medium of education equal to English for Native American students is unconscionable if not contrary to ESSA. Similarly, the relegation of Puerto Rico's use of Spanish rather than English as the full medium of education to footnotes and otherwise forcing it into charts that use the heading "English", is highly detrimental to obtaining accurate data relative to implementation of ESSA. The USDE OELA report to Congress makes no mention that Hawai'i uses Hawaiian medium education (contrary to the USDE approved Hawai'i state ESSA plan). Indeed the only state for which Hawaiian speakers are served with Title III funds is Washington State (page 135). In an earlier report, the USDE reported Hawaiian-speakers as one of the top five languages served with Title III funds—again failing to report English speakers there.

Hawaiian medium education is hidden under the term total English medium education in the latest USDE OELA report Title III implementation in Hawai'i and has been since NCLB. This USDE reporting on Hawai'i is inspite of the fact that the number of students educated through the medium of Hawaiian has grow to the point that it exceeds the largest non-English language accorded Title III support in the English medium schools, i.e., Ilokano (or Iloko) 2,692 in the 2017–2018 school year (OELA report page 40). For the 2017–2018 school year there were 2,790 students enrolled in government supported K–12 Hawaiian language medium/immersion education as reported earlier above. Furthermore data collected by the US Census Bureau now shows that Hawaiian is the largest non-English language reported as spoken in Hawai'i homes by children aged 5–17 (page 5 of Non-English Speaking Population of Hawai'i) *https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_—in_Hawaii_April_2016.pdf*. If I am not mistaken, data collected by the US Census Bureau is the basis by which the USDE determines the amount of funding for Title III accorded to states. In such a circumstance, it is noteworthy that unlike Puerto Rico which is accorded funding for Title III purposes for schools taught through its non-English official language Hawai'i is not, except for a small charter school that uses Ni'ihauan as its medium of education. Some in Hawai'i contend that Ni'ihau is a language of its own and not Hawaiian, which is the terms used for the official state language. Others contend that Ni'ihau is the most distinctive of the Hawaiian dialects. The Hawai'i Department of Education only provides Title III support to Hawaiian speakers in the case of that charter school taught through Ni'ihauan and in the cases of where a student transfers out of a Hawaiian language medium program into an English medium school.

In my opinion, Native American language medium schools outside Hawai'i have a more difficult situation than Hawaiian as their states have not recognized their Native American languages as an official medium of education, although ESSA does not require that for the provisions of ESSA Sections 3124(3) and 3127 to be implemented by a state or the BIE. My understanding is that outside Hawai'i, all government funded Native American language medium programs, whether operated by the states (including charters) or by the BIE are required to be assessed through English (contrary to both 3127 and 3124(3)).

USDE OELA reports to Congress do not indicate what programs serving Native American English Learner students are Native American language medium programs as defined in such legislation as Public Law No. 116–101. Instead programs that include any attention to Native American language speakers or learners are listed as LIEP (Language Instruction Education Programs) with the assumption that such programs have their base and assessments in English. (Puerto Rico's Spanish medium programs are also listed in this way masking the use of Spanish there as the medium of instruction and assessments, except through footnotes.)

To my knowledge not a single Native American language medium program, that is, a program where a Native American language is dominant in accordance with Public Law No. 116–101, other than those of Hawai'i is officially assessed for accountability purposes through the Native American language of instruction as provided for in Sections 3127 and 3124(3). Even Hawaiian medium programs, which are assessed through Hawaiian for certain subjects and grade levels (but not all), are not so assessed under the provisions of Sections 3127 and 3124(3), but under an archane "double testing" waiver and reference to ESSA 200.6j (See Hawai'i ESEA plan page 15)

The latest USDE OELA report to Congress on Title III has a few pages that focus on American Indian and Alaska Native English learners (pages 48 and 49). Those pages do not explain the unique definition of "English Learner" relative to Native Americans (again that includes Native Hawaiians). Nor do those pages explain that Native American English Learners are explicitly adressed in Sections 3124(3) and 3127. The focus of pages 48 and 49 is primarily that American Indian and Alaska Native English Learners represent a relatively small number of students found mostly in a few Western states including Alaska, Arizona, Montana, New Mexico, Oklahoma and Utah. No mention is made of Hawaiian and Native Hawaiians.

American Indian and Alaska Native language are also listed under varioius forms of Language Instruction Education Programs (LIEP) focused on English acquisition that also include a non-English language. There is no indication as to whether the inclusion of such Native American languages is at any particular level of use compared to English—a detail associated with a distinct legal status for under Public Law No. 116–101. The inclusion under Public Law No. 116–101 of a required high level of use of a Native American language in a school program funded by it indicates an understanding of Congress relative to the amount of attention to a Native American language required to revitalize and/or maintain it in school. The USDE

OELA report lists programs using American Indian and Alaska Native languages as parallel to foreign and immigrant languages which have no special protection for survival in the United States parallel to legal protections accorded Native American languages . Nor do the languages with which those Native American languages are listed have any law referencing them to being required to be "dominant" in school to qualify for funding as under Public Law No. 116- 101 for Native American languages.

Especially confusing from a Hawai'i perspective is to see that the largest number of American Indian and Alaska Native languages used with Title III funding are included under a category called "heritage languages" (pages 112–121). At Nāwahīokalani'ōpu'u School the term "heritage language" is used to refer to languages of immigrant neighbors and ancestors who came to Hawai'i and which Nāwahīokalani'ōpu'u students study to honor those ancestors and neighbors while maintaining some sort of connection to those languages of history. The understanding, however, at Nāwahīokalani'ōpu'u in studying "heritage languages" is that such "heritage languages" have countries outside the United States that are their homelands, and that the people who remain in those homelands have the responsibility to maintain those heritage languages as strong and vibrant in their own homelands. The American Indian, Alaska Native and Hawaiian languages are not seen as "heritage languages" by Nāwahīokalani'ōpu'u students, but as Native American languages whose survival in their homelands within the United States is seen as the responsibility of the federal government working together with Native Americans, as stated in NALA.

At Nāwahīokalani'ōpu'u Hawaiian language medium school all students are required to study several years of one or more such heritage languages, usually to include Japanese. Those heritage languages are studied through Hawaiian. Hawaiian itself, however, is seen as the official language of the state used at the school, and a language with a distinct Native American language status under federal and state law. At the very least one would expect the USDE and OELA to recognize a distinct category of Native American languages and separately list them in its various charts rather than included them under the term "heritage language".

After discussing American Indian and Alaska Native languages somewhat on the preceeding two pages of the USED OELA Title III report, then on page 50, for the first time in such a report, there is a references NALA. There the report describes federal efforts to revitalize Native American languages which it says have occurred "in recent years". Native American language revitalization has actually been occurring with federal support for almost three decades since passage of NALA in 1990. Even with this first ever reference to Native American language revitalization in a Title III report to Congress, much is missing in the single page 50 regarding Native American language revitalization.

It is especially surprising to see in that full page description of Native American languge revitalization and NALA 1990 no referrence to inclusion of the Hawaiian language. Native Hawaiians played a major role in the drafting of NALA and the national effort to get support from other Native American communities to Senator Daniel Inouye of Hawai'i, who was chairing the Senate Indian Affairs Committee and championed the bill in Congress. Furthermore, Native Hawaiians have provided major support to other Native Americans in developing their own Native American language medium programs, often modeled on Native Hawaiian medium programs that have exited since the early 1980s. Numerous other Native American peoples have been hosted in Hawai'i by Native Hawaiians to observe Hawaiian language medium education and learn about how it has been implemented in the islands. Native American language medium education is an area where Native Hawaiians have been leading the nation.

Related to overlooking Native Hawaiians relative to Native American language revitalization and the support that Native Hawaiians have provided the larger Native American language revitalization movement, is the recent rumor that the funding for the Congressionally passed National Native American Languages Resource Center was assigned to the Office of Indian Education under the USDE thus excluding Native Hawaiian participation. Such an action would b contrary to the intent of the National Native American Languages Resource Center bill and needs to be corrected if true.

One area, where the Senate Committee on Indian Affairs could make a major impact on assuring federal shoulder of its trust responsibilities to Native Hawaiians would be to actively pressure the executive branch and its department appointees, such as the Secretary of Education, to implement the provisions in NALA and the NALA provisions of ESSA as well as other Congressionally passed Native American language legislation to assure inclusion of Native Hawaiians as Congress intended. In taking such action the Committee and the overall federal government will be

serving the broader classification of "Native Americans" as defined by NALA. Native Hawaiians are paving the road for successful language revitalization for Native Americans as a whole. Native American languages are severly endangered and continue to be surpressed under federal and state educational procedures and policies in spite of the fact that such procedures and policies often run counter to NALA and NALA related ESSA provisions. Those procedures and policies need to be changed in the immediate future. Funding is also sorely needed to support the growth of Native American language medium education.

I again thank the Committee for holding a hearing here in Hilo. I strongly urge that the Committee take action to assure that laws relating to Native American languages not only include Native Hawaiians in their wording, but also include Native Hawaiians as actual beneficiaries. Implementation of those laws must be at the highest level of interpretation in support of Native peoples controlling their own lives and children's lives.

Mahalo nui!